

position; to the Committee on the Post Office and Post Roads.

By Mr. McREYNOLDS: Joint resolution (H. J. Res. 567) to authorize and request the President of the United States to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940 and to invite foreign countries to participate in that congress; and also to provide for participation by the United States in that Congress; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AMLIE: A bill (H. R. 8984) for the relief of Hans Christensen; to the Committee on Claims.

By Mr. LUCKEY of Nebraska: A bill (H. R. 8985) granting an increase of pension to Frank E. Crane; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 8986) for the relief of William Theodore Herbert; to the Committee on Naval Affairs.

By Mr. REECE of Tennessee: A bill (H. R. 8987) granting a pension to Flora Green; to the Committee on Invalid Pensions.

By Mr. ROBSON of Kentucky: A bill (H. R. 8988) for the relief of Esaw Wright; to the Committee on Military Affairs.

Also, a bill (H. R. 8989) for the relief of Thomas H. Bowlin; to the Committee on Military Affairs.

Also, a bill (H. R. 8990) for the relief of James R. Slusher; to the Committee on Military Affairs.

By Mr. TREADWAY: A bill (H. R. 8991) for the relief of J. Aristide Lefevre; to the Committee on Claims.

By Mr. THURSTON: A bill (H. R. 8992) granting an increase of pension to Effie J. Clark; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3797. By Mr. BIGELOW: Petition of various residents of Portsmouth, Va., asking for enactment of the Federal work-week bill (H. R. 8431); to the Committee on the Civil Service.

3798. By Mr. CITRON: Resolution of the Department of Connecticut, Veterans of Foreign Wars, opposing establishment of a Nazi camp at Southbury, Conn., by the German-American bund; to the Committee on the Judiciary.

3799. By Mr. CULKIN: Petition of the employees of the R. A. Jones Co., Inc., Covington, Ky., urging Government steps to encourage investment of capital in business; to the Committee on Ways and Means.

3800. Also, petition of the Reverend Frank Jones and other residents of Harrisville, N. Y., urging the adoption of the Capper-Culkin antiliqor advertising bill and House bill 7508, and opposing the national lottery bill; to the Committee on Interstate and Foreign Commerce.

3801. Also, petition of a nonpartisan meeting of employers in the cities of Rensselaer and Albany, urging repeal of the undistributed-profits tax, repeal or amendment of the capital-gains tax, reduction of Government expenses, and that Government cease competing with private business; also opposing enactment of a wage and hour bill; to the Committee on Ways and Means.

3802. Also, petition of the Virginia Highways Users Association, Richmond, Va., opposing the Pettengill bill to repeal the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

3803. By Mr. HART: Petition of the Citizens' Civic Association for Social Justice, Irvington, N. J., requesting the return of sovereign power of Congress to coin money, regulate the value thereof, and of foreign coin; to the Committee on Coinage, Weights, and Measures.

3804. By Mr. JARMAN: Petition of the farmers of Perry County, Ala., concerning farm legislation and against the Boileau amendment to House bill 8505; to the Committee on Agriculture.

SENATE

MONDAY, JANUARY 17, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, January 15, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I am requested to suggest the absence of a quorum, which I do, and ask for a roll call, in order to secure one.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bailey	Donahey	Lodge	Russell
Bankhead	Duffy	Logan	Schwartz
Barkley	Ellender	Loneragan	Schwellenbach
Billbo	Frazier	Lundeen	Sheppard
Bone	George	McAdoo	Shipstead
Borah	Gibson	McCarran	Smathers
Bridges	Gillette	McGill	Smith
Brown, Mich.	Glass	McKellar	Stelwer
Brown, N. H.	Guffey	McNary	Thomas, Okla.
Bulkeley	Hale	Maloney	Thomas, Utah
Bulow	Harrison	Miller	Townsend
Burke	Hatch	Minton	Truman
Byrd	Hayden	Murray	Tydings
Byrnes	Herring	Neely	Vandenberg
Capper	Hill	Norris	Van Nuys
Caraway	Hitchcock	Nye	Walsh
Chavez	Holt	Overton	
Clark	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Rhode Island [Mr. GERRY] and the Senator from New York [Mr. WAGNER] are absent because of slight colds.

The Senator from Tennessee [Mr. BERRY], the Senator from Oklahoma [Mr. LEE], the Senator from New Jersey [Mr. MOORE], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

INDEPENDENT OFFICES APPROPRIATIONS—REPORT OF COMMITTEE ON APPROPRIATIONS

Mr. GLASS. Mr. President, I ask unanimous consent, to report back favorably, from the Committee on Appropriations, with amendments, the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, and for other purposes, and I submit a report (No. 1303) thereon. I ask that the bill may go over under the rule.

The VICE PRESIDENT. Without objection, the report will be received and the bill will be placed on the calendar.

RECEIPTS AND EXPENDITURES, ST. ELIZABETHS HOSPITAL

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, the report of the acting superintendent of St. Elizabeths Hospital for the fiscal year ended June 30, 1937, showing in detail the receipts and expenditures of the hospital, which, with the accompanying report, was referred to the Committee on the District of Columbia.

IMPROVEMENT OF TRAFFIC CONDITIONS—CASE HISTORIES OF FEDERAL HIGHWAY ACCIDENTS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting, pursuant to law, the fifth report in a series based upon investigations conducted by the Department under authority of the act

of June 23, 1933 (Public, No. 768, 74th Cong.), making an appropriation of \$75,000 for a study of traffic conditions and measures for their improvement, which, with the accompanying report, was referred to the Committee on Post Offices and Post Roads.

CONTROL OF OUTBREAKS OF INSECT PESTS AND PLANT DISEASES

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, a report of the activities conducted by the Department of Agriculture in connection with the funds appropriated to cooperate with States to control incipient and emergency outbreaks of insect pests and plant diseases, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

PETITIONS

Mr. SHEPPARD presented resolutions adopted by a meeting of farmers and business and professional men of Houston County, Tex., and vicinity, assembled at Crockett, Tex., January 8, 1938, favoring the adoption of the so-called Clair-McDonald plan of farm relief, which were referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented petitions of sundry citizens of Mankato, and members of the Auxiliary to William Roe, Jr., Post, No. 99, American Legion, of Russell, in the State of Kansas, praying for the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace, which were referred to the Committee on Finance.

He also presented a resolution adopted by Homer White Post, No. 66, American Legion, of Hiawatha, Kans., favoring the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 3160) to provide for the exchange of land in the Territory of Alaska, reported it without amendment and submitted a report (No. 1304) thereon.

Mr. HATCH, from the Committee on the Judiciary, to which was referred the bill (S. 3232) to amend an act to provide for the retirement of Justices of the Supreme Court, reported it without amendment and submitted a report (No. 1305) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MALONEY:

A bill (S. 3255) to provide for the establishment of a mechanism of regulation among over-the-counter brokers and dealers operating in interstate and foreign commerce or through the mails, comparable to that provided by national securities exchanges under the Securities Exchange Act of 1934, and for other purposes; to the Committee on Banking and Currency.

By Mr. SMATHERS:

A bill (S. 3256) to amend the Federal Reserve Act, as amended, to extend for 2 years the period for which loans made prior to June 16, 1933, to executive officers of member banks may be extended or renewed; to the Committee on Banking and Currency.

A bill (S. 3257) for the appointment of an additional circuit judge for the third judicial circuit; to the Committee on the Judiciary.

By Mr. NEELY:

A bill (S. 3258) granting a pension to Margaret Kingery; to the Committee on Pensions.

By Mr. KING:

A bill (S. 3259) limiting the duties of the Chief Clerk and Chief Inspector of the Health Department of the District of Columbia;

A bill (S. 3260) to prohibit the admission without charge of nonresident pupils into the public schools of the District of Columbia; and

A bill (S. 3261) to amend paragraphs (b), (c), and (d) of section 6 of the District of Columbia Traffic Act, 1925, as amended by the acts of July 3, 1926, and February 27, 1931, and for other purposes; to the Committee on the District of Columbia.

By Mr. GEORGE:

A bill (S. 3262) for the relief of Alonzeda Jones; to the Committee on Claims.

A bill (S. 3263) for the relief of the State of Georgia; to the Committee on Military Affairs.

By Mr. BILBO:

A bill (S. 3264) authorizing the Commissioner of Light-houses to mark with buoys a portion of the boundary line between the States of Mississippi and Louisiana; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 3265) for the relief of the officers of the Russian Railway Service Corps organized by the War Department under authority of the President of the United States for service during the war with Germany; to the Committee on Military Affairs.

By Mr. SCHWELLENBACH:

A bill (S. 3266) granting a pension to Clyde R. Youngblood; to the Committee on Pensions.

By Mr. BROWN of New Hampshire:

A bill (S. 3267) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936; to the Committee on Commerce.

AMENDMENT OF FEDERAL AID HIGHWAY ACT

Mr. HAYDEN and Mr. TRUMAN submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 8838) to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes, which was referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

NATIONAL DEFENSE AND THE NAVY—ADDRESS BY SENATOR WALSH

[Mr. LEWIS asked and obtained leave to have printed in the RECORD a radio address on the subject National Defense and the Navy delivered by Senator WALSH on Sunday, January 16, 1938, which appears in the Appendix.]

PLANNED ECONOMY—ADDRESS BY HALLORAN H. BROWN

[Mr. COPELAND asked and obtained leave to have printed in the RECORD an address on the subject of Planned Economy delivered by Halloran H. Brown, president of the New York State Horticultural Society, at the annual meeting of the society at Rochester, N. Y., January 11, 1938, which appears in the Appendix.]

ECONOMIC CONDITIONS AFFECTING THE UNITED STATES AND GREAT BRITAIN

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD an address delivered by Sir Charles Morgan-Webb, honorary adviser to the monetary committee of the British Parliament, at a dinner sponsored by the Committee for the Nation, and an address delivered by Mr. Earl Harding, member of the directing committee of the Committee for the Nation, which appear in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. ELLENDER. Mr. President, on Saturday, the last legislative day, I was discussing with the Senate the various and sundry laws now on the statute books of a number of States of the Union which accord to the colored race certain advantages that are not given to the colored race in other States. I attempted to show that such laws were placed on the statute books of these several States as a result of the

effort of certain groups or cliques, I may say, of colored voters, who probably had the balance of power so far as voting was concerned in those localities or States where such laws exist. I again charge that, employing the same methods, the same little cliques of Negroes that are spread throughout the country are now agitating and fostering this bill. I cannot, for the life of me, see any other reason for the bill being pressed before this body. I propose again to continue to read to the Senate statutes that have been passed by other States named by me on Saturday. I desire further to show, in connection with each State, that the larger portion of the Negro population in the particular States referred to, especially those in the North, is usually concentrated in a few large cities; the Negroes are not scattered about the State, but are usually congregated in the large cities, and, of course, in many instances are able, in a way, to sometimes control elections as between the Democrats and Republicans. These small groups seem to hold the balance of power, and for that reason are seemingly able to command some attention from those seeking their support.

Of course, as all of us know, it often happens that a handful of votes can very often decide an election, and in order to get these votes I charge that certain promises are made to the colored people. I am also informed—I may be wrong about this, but I am going to try to get the correct information for the Senate—that in many of these State legislatures there are quite a good many Negro representatives, both in the lower and in the upper houses of the legislatures, who, of course, are strong advocates of these bills. I refer to those bills which seek to place the whites and the colored on the same social plane such as I read about Saturday, and which I propose to read about today.

Mr. President, I concluded Saturday with the statutes for California, Colorado, and Connecticut. I am now about to read from the Laws of the State of Illinois of 1935, page 708, as amended in 1937, page 485:

SECTION 1. All persons within the jurisdiction of said State of Illinois shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, hotels, soda fountains, soft-drink parlors, taverns, roadhouses, barber shops, department stores, clothing stores, hat stores, shoe stores, bathrooms, rest rooms, theaters, skating rinks, concerts, cafes, bicycle rinks, elevators, ice-cream parlors, or rooms, railroads, omnibuses, busses, stages, airplanes, street cars, boats, funeral hearses, and public conveyances on land, water, or air—

Imagine! The legislators have provided in Illinois that no distinction shall be made as to hearses. I wonder who had that provision put in. I am certain, however, that some of the colored folks were refused the same recognition as was accorded the whites, hence the inclusion of the clause. That is an exhibition of the power of those small Negro minorities—

and all other places of public accommodation and amusement, subject only to the conditions and limitations established by laws and applicable alike to all citizens; nor shall there be any discrimination on account of race or color in the price to be charged and paid for lots or graves in any cemetery or place for burying the dead.

Here is another exception—they seek to be buried in the same cemeteries as the whites.

Mr. LEWIS. Mr. President—

Mr. ELLENDER. I yield to the Senator from Illinois.

Mr. LEWIS. I should like to inform my able friend that that statute was not put on the books at the request of the colored race. While it may be true, and doubtless is true, that some complaint of discrimination was circulated generally by some of the colored folks, I assure my friend that there was also considerable complaint on the part of members of certain other races who have very large representation in the State of Illinois, and who felt that they had been greatly discriminated against.

If my able friend will look at the date of the statute he has read he will be advised that—to use a much overworked word—the unfortunate repercussions following the war really resulted in its enactment. I should like also to have the Senator note that that statute, modeled after the equality statute of the Federal law as to rights and immunities,

covers not merely one race but very many others, in behalf of which at that time, I assure the Senator, there was in some places very great and general complaint of discrimination.

Mr. ELLENDER. I thank the Senator from Illinois for the information he has furnished. The agitation for equality flows not only from the colored but also from other races who should not be permitted to mix socially with the whites.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from New Jersey.

Mr. SMATHERS. For the past month I have heard a great many speeches here in which the statement has been made that those in this body who favor this bill are doing so because they hope thereby to incur political favor, and to appeal to a certain group from a political standpoint. I desire to ask the Senator from Louisiana if it is not a fact that should he support this measure on the floor of the Senate, he would write his political death warrant in Louisiana. Is that a fact, or is it not a fact?

Mr. ELLENDER. No, sir; it is not a fact. I am glad the Senator asked the question. I have been arguing this matter from a different point of view than politics, and I have been arguing even beyond the Constitution. As I have said on many occasions, Mr. President, the question goes further than politics or even the Constitution. It goes further than politics, because I am convinced, as I have said before, that political equality will lead to social equality, and that social equality eventually will spell the decay and downfall of our American civilization. That is the thought I am trying to impress on the Senate and the white people of America.

Mr. SMATHERS. Mr. President, will the Senator yield again?

Mr. ELLENDER. I yield.

Mr. SMATHERS. Is it not a fact that in the Senator's State of Louisiana it is popular with the masses of the people to oppose this measure? Is that a fact, or is it not a fact?

Mr. ELLENDER. To be frank it never has been an issue in Louisiana politics. Be that as it may, I would rather go down in defeat than not to fight and vote for my convictions on this bill, and for the good that I foresee will follow from its defeat, not to Louisiana alone but to the entire Nation.

Mr. SMATHERS. But the Senator does not answer my question.

Mr. ELLENDER. I do not care to answer it directly.

Mr. SMATHERS. The Senator does not want to answer it directly?

Mr. ELLENDER. No.

Mr. SMATHERS. Then let me ask the Senator another question.

Mr. ELLENDER. In other words, Senator, I do not want to be personal with any Member of the Senate. That is why I do not care to answer the question directly. What I would like to see is a secret vote taken on this measure, and learn exactly how every Senator would stand if he should vote according to the conviction he feels deep down in his heart. I hardly think there would be a half dozen votes for the measure. A good many do not look beyond their own selfish interest.

Mr. SMATHERS. Let me ask the Senator another question. In view of the speeches which have been made during the past month, in which Senators have charged their colleagues who are supporting the bill with appealing for political advantage, if it is a fact that in the States from which these Senators come it is popular to oppose this measure, does it not come with poor grace from those Senators to contend that the Senators who support the bill because they believe in it are supporting it for political reasons?

Mr. ELLENDER. Of course, I do not know; I am not going to name any Senators at present; but I have heard the question discussed privately before I came to the Senate and since that time. This question is a very ticklish one; and, in my humble opinion, the farther away we can get from it, and the more we can let it alone, the better it is going to be. I repeat that whether or not this bill is popular in Louisiana is not the thing that interests me. It is the

principle back of it that appeals to me; not politics but what the enactment of the bill may eventually lead to. Give the Negroes this bill, and they will demand more, and we will wake up some day with laws permitting social equality.

To go back to the State of Illinois, I have just read to the Senate the statute of that State. I may be wrong, but I believe the colored race had a good deal to do with having the law passed. The Senator from Illinois [Mr. LEWIS] said that other conditions were influential in having the statute enacted by the legislature. I accept that statement; but I am confident that the large colored population of the city of Chicago had a great deal more to do with the enactment of the measure than did the white population of the city and State. In fact, I doubt if many of the white population of the State knew about it.

The entire colored population of the State of Illinois, according to the last census, was 328,972 persons. Seventy-one percent of the entire colored population of Illinois is located in the city of Chicago. I am inclined to believe that the fact that such a large colored population is centered in a big city like Chicago results in these citizens commanding quite a lot of attention from the politicians of Chicago; and, no doubt, the politicians in the legislature at Springfield are prone to help them out on questions of this kind.

Before I go to another State, let me say that I notice that the State of Illinois was not quite so generous as the States of California, Colorado, and Connecticut, in that those other States fix the amount of damages or at least the limit of damages that may be collected in case any person affected by the statutes to which I have referred should be refused permission to go into the same hotel or the same theater with white persons, or to be buried in the same cemetery. In Connecticut, if I recall correctly, the amount of damages permitted by law to be collected is \$500, whereas in California it is only \$100; and one of the States penalizes by fine and imprisonment any proprietor who refuses to comply with, or who violates, the statute.

Let me refer now to the State of Indiana, whence hails the senior Senator from that State [Mr. VAN NUYS], who is the coauthor of this bill. Let us see what the State of Indiana has done for the colored people. I read from Burns' Statutes, 1933 (Criminal Code), section 10-901:

All persons within the jurisdiction of said State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land and water, theaters and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.

Section 10-902: Any person who shall violate any of the provisions of the foregoing section by denying to any citizen except for reasons applicable alike to all citizens of every race and color, and regardless of color or race, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay a sum not to exceed \$100 to [any] person aggrieved thereby.

Section 10-903: No citizen of the State of Indiana, possessing all other qualifications which are or may be prescribed by law, shall be disqualified to serve as [a] grand or petit juror in any court of said State on account of race or color.

That is the statute as it appears in the Criminal Code of the State of Indiana. In the State of Indiana there was a colored population in 1930, the last year for which figures are available, of 111,982. Sixty-one percent of that entire colored population was in Indianapolis, Evansville, and Gary. They were not scattered all over Indiana. They were centered in cities, where union to them means strength from a voting standpoint; and no doubt in the Legislature of Indiana there are a number of the colored race, as there are in other States, and naturally the Negro representatives from these various States make demands so as to place their race on an equal basis with the whites, just as this statute would indicate. As to whether or not the good white people of Indiana observe what is provided in this statute I do not know; but I have been in Indiana quite often, and I am glad to say that never have I gone to any large hotel in any of the cities of that State and found Negroes associating with the whites—and, may I

add, this statement applies to practically every State to which I shall refer. To my mind, those statutes were put on the books simply to appease a few of the politicians of the colored race; not with the idea of having the law enforced, but to urge the Negroes on; and when the colored people do try to exercise the rights thus given to them they get into trouble. That is why, as I explained to the Senate on Friday and Saturday, more of the colored people in the North get into trouble than do those in the South. As I stated Saturday, the colored people in the South are polite by instinct; they know their place in southern society and they keep it. They do not try to rub elbows with the whites in theaters, or various places of amusement, or in schools. As I stated Saturday, in Louisiana we furnish to the Negroes as fine schools as are afforded them in any other State of the Union, but they are placed under separate roofs. We provide for the Negroes but under different conditions. In 1908 Louisiana spent about a million more dollars for education for both whites and colored than it spent in 1937 for the colored people only.

Just imagine what we are attempting to do. If we are let alone, if we are permitted, I say to the Senator from Nebraska [Mr. NORRIS], to handle our own affairs, we can and will solve the problem.

We are making an earnest effort, and the facts and figures with regard to the decrease in lynching which have been produced before the Senate show that we are succeeding, and I hope that in a short time this crime will be a thing of the past, that there will not be any more of it. We are working to that end, and all I ask is that we be not disturbed; that the efforts of the Federal Government, which has proven a failure in the city of Washington in enforcing the law, shall not come to Louisiana or go to Georgia or to any other of the Southern States, which have been for centuries dealing with the Negro problem successfully, and tell us what we ought to do, or punish us if we fail to do it after having tried.

As I tried to show Saturday, the pending bill does not make the same provision regarding what the officer must do and what the county must do; but, as I read section 5 of the bill, the county can hardly make any defense by which it can escape the penalty that is imposed in case there is a lynching. It does not make any difference whether the person lynched was in the hands of the law or not. The provision with reference to the imposition of the civil liability makes no such distinction.

Now, let us go to the State of Iowa. The Code of 1935 of Iowa, section 13251, provides:

All persons within this State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, chopouses, eating houses, lunch counters, and all other places where refreshments are served, public conveyances, barber shops, bathhouses, theaters, and all other places of amusement.

Section 13252 provides:

Any person who shall violate the provisions of section 13251 by denying to any person, except for reasons by law applicable to all persons, the full enjoyment of any of the accommodations, advantages, facilities, or privileges enumerated therein, or by aiding or inciting such denial, shall be guilty of a misdemeanor, and shall be punished by a fine not to exceed \$100 or imprisonment in the county jail not to exceed 30 days.

In the State of Iowa there is a total colored population of 17,380, and the only city figures available were for the city of Des Moines; and I note that of the entire Negro population, 32 percent are located in Des Moines. The figures for the other cities I have been unable to obtain, but I am trying to get them; and if I obtain them before I complete my speech, I shall ask that they be inserted in connection with my remarks as to Iowa.

Let us now turn to the State of Kansas. The Code of 1935, section 21-2424, provides:

That if any of the regents or trustees of any State university, college, or other school of public instruction, or the State superintendent, or the owner or owners, agents, trustees, or managers in charge of any inn, hotel, or boarding house, or any place of entertainment or amusement for which a license is required by any of the municipal authorities of this State, or the owner or owners or

person or persons in charge of any steamboat, railroad, stagecoach, omnibus, streetcar, or any other means of public carriage for persons or freight within the State, shall make any distinction on account of race, color, or previous condition of servitude, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than ten nor more than one thousand dollars, and shall also be liable to damages in any court of competent jurisdiction to the person or persons injured thereby.

Here is a statute which not only imposes a fine but also permits damages to the injured. The only thing not included that has been provided in other States with reference to damages is that it does not fix a ceiling to which damages may be recovered.

Let us see how the Negro population is distributed in Kansas. I find that in that State, with a Negro population of 66,344, 25,495 of them reside in two cities. Thirty-eight percent of the entire colored population of the State is located in Kansas City and Wichita.

The next State to which I come is Maine. The Revised Statutes of Maine of 1930, chapter 134, section 7, page 1569, provide:

No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement, shall, directly or indirectly, by himself or another, publish, issue, circulate, distribute, or display in any way, any advertisement, circular, folder, book, pamphlet, written or printed, or printed notice or sign of any kind or description, intended to discriminate against or actually discriminating against persons of any religious sect, creed, class, denomination, or nationality, in the full enjoyment of the accommodations, advantages, facilities, or privileges offered to the general public by such places of public accommodation, resort, or amusement.

I read from the Revised Statutes of Maine of 1930. In Maine the entire Negro population in 1930 was only 1,096, of which 25 percent was in Portland. The records are not available to show where the rest of the colored population was centered, but I propose to get the information, if possible, and place it in the Record in connection with my remarks as to Maine.

Mr. POPE. Mr. President—

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Louisiana yield to the Senator from Idaho?

Mr. ELLENDER. I yield.

Mr. POPE. What is the position of the Senator with reference to statutes such as those to which he has been referring; that they are, objectionable, that the States should not have adopted them, or is it the Senator's intention merely to give us information?

Mr. ELLENDER. In answer to the Senator from Idaho, I may state that, to begin with, since the Constitution of the United States treats white people and colored people alike, I am wondering why these statutes were put on the statute books. Why was it necessary to pass these statutes in Maine, Ohio, Indiana, Illinois, and other northern States? Since all people are to be treated alike under the Constitution, it was not necessary to pass special laws on the subject. The point I am trying to make is that evidently the white proprietors of inns, of theaters, of hotels, and of other public places have failed to recognize that provision of the Constitution, failed to give the colored people the right to associate with whites. And in doing that they were acting no different from the white people of the South, all of which proves my contention that the white person of the North does not want the Negro rubbing elbows with him socially any more than does the white person of the South.

But the colored people, through these little cliques located in various cities up North, agitated that question. They organized and had these statutes put on the lawbooks. These statutes were passed, but not with the idea or with the result of giving a greater right to the Negroes than they now have. The point I make—and I believe I can substantiate it—is that these small groups of colored persons and agitators who succeeded in having these State laws passed did so, as mentioned by the Senator from Texas [Mr. CONNALLY] last Saturday, in order to induce their constituents to continue to make money contributions to their societies. They

needed these contributions in order to feed some of these leeches in Washington who are at the head of these societies so they might continue to appear before committees of Congress to urge the passage of social-equality laws, which is what is really behind this so-called antilynching bill.

I am bound to conclude that the agitators who caused these statutes to be imposed on the people of the various States mentioned are the same class of agitators who are now working on the Congress. In order to do what? To stop lynching? No, to foster social equality; and instead of this bill's stopping lynching, I think the result of this legislation will be to increase it. If the Federal Government steps in, then the States will not exercise the same effort but it will resolve itself into the proposition of "letting George do it."

Mr. POPE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. POPE. Does the Senator recall how many States have statutes against discrimination such as the Senator has called our attention to?

Mr. ELLENDER. I will name those States which have statutes with respect to discrimination. There are 18 such States.

Mr. POPE. Eighteen States have statutes prohibiting discrimination?

Mr. ELLENDER. Yes. The other States do not have such statutes. The States which have passed statutes such as I have indicated to the Senate are California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

I note from that list that Idaho, the State of the Senator who just asked the question [Mr. POPE], does not have such a statute.

Mr. POPE. Let me ask the Senator if he does not think that the conditions in the various States should be recognized and that the States themselves should have the right to pass upon those matters? For instance, in my State there is a family of colored persons here and there. Most of the colored people in my State live in two or three towns, but there are a few colored persons scattered about over the State. For instance, in a small town there will be one or perhaps two or three families. There are not enough colored persons in such a town to provide separate schools or to provide separate places of amusement or separate eating places, and therefore those colored persons are permitted, as a practical matter, to attend the same schools and to attend the same places of amusement, although they generally do not eat at the same places as the white people. I ask the Senator from Louisiana if the fact that there are a great many colored persons in one State and that there are very few of them in another State might not make it necessary to treat the problem differently in different States?

Mr. ELLENDER. The Senator may be correct. I can see nothing wrong with the position taken by the Senator insofar as the ability of his State is concerned to care for the few colored residents. But the point I am making is that these statutes from which I have been reading were put on the statute books by these little groups of agitators. They have not gotten strong enough in Idaho to come to the legislature and force the Idaho Legislature, for instance, to permit them to eat at the same table as the Senator and his friends eat. They have not grown strong enough to do that. I contend that the same elements, the same small minorities of colored persons, in certain States have caused their legislatures to pass these acts, and in turn the same groups are still busy, they are still agitating, and they are going to keep on agitating until they get that social equality about which I have been speaking, and which, it seems to me, will eventually lead to the decay of our American civilization, as I am going to show by reference to the history of other countries whose civilization has decayed because of the encroachment of the colored race on the white race; and that these local agitators, who have been able to obtain recognition, as it were, in the legislatures of the various States that I have mentioned, are coming to Washington every year,

every time we meet, to urge the passage of legislation which has as its object finally to put them on an equality with the white people in certain matters, and which will lead eventually to social equality.

Social equality between the whites and the Negroes—that is what I am condemning—nothing else. That is what is disturbing me, and that is why I am trying to put the facts before the Senate so that other Senators can see them as I view them. I may be all wrong in my views, but I am in earnest, and I can see coming the very situation I am now describing. It may not affect me, it may not affect my son, or his children, but I am thinking of future generations, and I propose to show a little later, from excerpts from statements of Abraham Lincoln, the Great Emancipator, the man who was responsible for the freedom of the Negroes, that he did not believe in the political or the social equality of the colored race with the white race.

I propose to show by quoting from Thomas Jefferson that he contended that the two races could not survive in the same country separately; that sooner or later we would be dominated by a mongrel race if the mixture of the two races were permitted, and that a mixture of the two races would lead to the decay of our proud American civilization.

I propose to read from Egyptian history and from the history of India, to show that such decay has occurred in the past, for the reasons I have stated, and that we are headed in that direction, and shall continue to go in that direction if we give to the colored race the social equality it is now striving for.

The next State I propose to take up is Massachusetts. I read from the laws of 1933, chapter 117, pages 124–125:

No owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort, or amusement, shall, directly or indirectly, by himself or another, publish, issue, circulate, distribute, or display, or cause to be published, issued, circulated, distributed, or displayed, in any way, any advertisement, circular, folder, book, pamphlet, written or printed notice or sign, of any kind or description, intended to discriminate against or actually discriminating against persons of any religious sect, creed, class, race, color, denomination, or nationality, in the full enjoyment of the accommodations, advantages, facilities, or privileges offered to the general public by such places of public accommodation, resort, or amusement: *Provided*, That nothing herein contained shall be construed to prohibit the mailing to any person of a private communication in writing, in response to a specific written inquiry.

A place of public accommodation, resort, or amusement within the meaning hereof shall be defined as and shall be deemed to include any inn, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, any restaurant, eating house, public conveyance on land or water or in the air, bathhouse, barber shop, theater, and music hall.

Any person who shall violate any provision of this section, or who shall aid in or incite, cause or bring about in whole or in part, such a violation, shall be punished by a fine of not more than \$100, or by imprisonment for not more than 30 days, or both.

Laws of 1934, chapter 138, page 131:

Whoever makes any distinction, discrimination, or restriction on account of color or race, except for cause applicable alike to all persons of every color and race, relative to the admission of any person to or his treatment in a theater, skating rink, or other public place of amusement, licensed or unlicensed, or in a public conveyance or public meeting, or in an inn, barber shop, or other public place kept for hire, gain, or reward, licensed or unlicensed, or whoever aids or incites such distinction, discrimination, or restriction—

Think of that; whoever incites discrimination—

shall be punished by fine of not more than \$300, or by imprisonment for not more than 1 year, or both, and shall forfeit to any person aggrieved thereby not less than \$100, nor more than \$500. But such person so aggrieved shall not recover against more than one person by reason of any one act of distinction, discrimination, or restriction.

In that State the statute not only fixes a criminal penalty of fine and imprisonment, but it fixes a floor and a ceiling as to damages; the plaintiff cannot get less than a certain amount or more than a fixed amount. By the way, Massachusetts at one time, according to my information, enacted a law prohibiting the marriage of whites and blacks; but, for some reason or other—and I am wondering at whose instance, I am sure that it was not at the instance of

the white people of Massachusetts—that statute prohibiting marriages between white people and colored people in the State of Massachusetts was repealed.

Let us see how the Negro population of Massachusetts is distributed. According to the 1930 census, the Negro population of Massachusetts was 52,365, of which number 63 percent were in the four cities of Boston, Cambridge, New Bedford, and Springfield. As in other States, it is my contention that the statute granting equal social rights to Negroes to which I have referred was enacted, and the act preventing intermarriages between white and colored people was removed from the statute books of the Commonwealth of Massachusetts, at the behest and solicitation of a small group of colored voters in the cities I have mentioned. I venture to say that the white people of the State of Massachusetts were probably not consulted about those laws, and when I say the white people, I mean the bulk or mass of them. But the legislative action was taken at the suggestion of only a few little, measly politicians here and there who were trying to win the favor of the colored voters and were saying to them, "Vote for me, and when the legislature meets I am going to have taken off the statute books the law prohibiting the marriage of colored people with the whites."

I can just imagine how such politicians influenced the members of colored societies within their wards to say, "We is going to vote for Mr. So-and-So, 'cause he is going to have this law that prohibits us from marrying with white people in Massachusetts taken off the books, so as to allow us colored people to marry white folks."

I come now to the State of Michigan, and read from Compiled Laws of 1929 (Mason's 1933 supplement):

Sec. 17115–146. All persons within the jurisdiction of this State shall be entitled to full and equal accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land and water, theaters, motion-picture houses, and all other places of public accommodation, amusement, and recreation and all public educational institutions of the State subject only to the conditions and limitations established by law and applicable alike to all citizens.

Sec. 17115–147. Any person being an owner, lessee, proprietor, manager, superintendent, agent, or employee of any such place who shall directly or indirectly refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, and privileges thereof, or directly or indirectly publish, circulate, issue, display, post, or mail any written or printed communication, notice, or advertisement, to the effect that any of the accommodations, advantages, facilities, and privileges of any such places shall be refused, withheld from, or denied to any person on account of race, creed, or color, or that any particular race, creed, or color is not welcome—

Note the words, "is not welcome"—

objectionable, or not acceptable, not desired or solicited, shall for every such offense be guilty of a misdemeanor.

In that State a few more choice words have been added to the statute; so that it applies if Negroes are "not welcome"; not, if they are not permitted to go into a place, but if they are "not welcome" after they go in, or if anybody says they are objectionable, or not acceptable, or are not desired, or are not solicited. In other words, the fact that they are not asked to come into some hotel or theater makes the person not inviting them guilty of a misdemeanor and punishable by fine and imprisonment.

Section 17115–148:

No citizen of the State of Michigan, possessing all other qualifications which are or may be prescribed by law, shall be disqualified to serve as grand or petit juror in any court of said State on account of race or color, and any officer or other person charged with any duty in the selection of summoning of jurors, who shall exclude or fail to summon any citizen for the cause aforesaid, shall be guilty of a misdemeanor.

Now, let us see how the population of the colored race is distributed in the State of Michigan. According to the census of 1930, there were in that State 169,453 colored people, of whom 128,586, or 76 percent, were in Detroit, Flint, and Grand Rapids. I again ask the question, What forces brought about the enactment of the statute to which I have just referred? I say that the little cliques of colored voters located in Detroit, Flint, and Grand Rapids brought it about and

made it possible for such a statute to be placed in the laws of Michigan.

Let me now refer to Minnesota. I quote from Mason's Statutes, 1927:

SEC. 7321. No person shall be excluded, on account of race or color, from full and equal enjoyment of any accommodation, advantage, or privilege furnished by public conveyances, theaters, or other public places of amusement, or by hotels, barber shops, saloons, restaurants, or other places of refreshment, entertainment, or accommodation. * * *

In Minnesota, according to the census of 1930, there were 9,445 colored people, of whom 8,177, or 86 percent, were congregated in Minneapolis and St. Paul, the Twin Cities. It is my contention that the small group of colored people residing in those two cities had the power to go before the Legislature of the State of Minnesota and have this law enacted. As I pointed out a while ago, such a law as that was certainly not necessary, since the Federal Constitution accords everyone equal rights, regardless of race. Yet a small coterie of Negro agitators, little cliques here and there, had this law passed, because, forsooth, I presume, some of them were refused admittance to theaters or to restaurants in the State.

I repeat that the passage of such legislation was secured by little cliques located in the various States of the Union who had grown a little bit stronger and probably a little more brazen and who desired to secure from the States laws that will eventually put them on the same social basis with the white people.

Let us take the State of Nebraska. I read from Compiled Statutes of 1920 and 1929:

SEC. 23-101. All persons within this State shall be entitled to a full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, public conveyances, barber shops, theaters, and other places of amusement; subject only to the conditions and limitations established by law and applicable alike to every person.

SEC. 23-102. Any person who shall violate the foregoing section by denying to any person, except for reasons by law applicable to all persons, the full enjoyment of any of the accommodations, advantages, facilities, or privileges enumerated in the foregoing section, or by aiding or inciting such denials, shall for each offense be deemed guilty of a misdemeanor, and be fined in any sum not less than \$25, nor more than \$100, and pay the costs of the prosecution.

Mr. President, in the State of Nebraska, according to the census of 1930, there were 13,752 Negroes, and of that entire Negro population 81 percent were congregated in Omaha. I am wondering at the immense power that that small clique of colored people had in inducing the Legislature of Nebraska to pass the statute I have just read. Eighty-one percent of the entire Negro population of Nebraska is located in Omaha.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Nebraska.

Mr. BURKE. Did I understand the Senator to say that 81 percent of the entire population of the State resides in Omaha?

Mr. ELLENDER. No; not of the entire population, but 81 percent of the entire Negro population of the State.

Mr. BURKE. I think that is correct.

Mr. ELLENDER. Those are the figures according to the last census.

Now, let me take the State of New Jersey; and that reminds me of the little colloquy that took place between the Senator from New Jersey [Mr. SMATHERS] and me a few moments ago. Let us see how far the State of New Jersey has gone in attempting to legislate social equality between the two races. I read from the laws of 1921, chapter 174, as amended, Laws 1935, chapter 247:

All persons within the jurisdiction of the State of New Jersey shall be entitled to the full and equal accommodations, advantages, facilities and privileges of any places of public accommodations, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons. No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any such place shall directly or indirectly refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges thereof, or directly or indirectly publish, circulate, issue, display, post, or mail any written or printed communication, notice, or advertisement to the effect that

any of the accommodations, advantages, facilities, and privileges of any such place shall be refused, withheld from, or denied to any person on account of race, creed, or color, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race, creed, or color is unwelcome, objectionable, or not acceptable, desired, or solicited.

The production of any such written or printed communication, notice, or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent, or manager thereof, shall be presumptive evidence in any civil or criminal action that the same was authorized by such person.

That is the extent to which the State of New Jersey has gone. The mere fact that a notice is published or circulated by somebody that Mr. So-and-So of the colored race is not welcome at his restaurant, in itself raises the presumption that he was unwelcome and should not come within the doors of the various hotels, and so forth, of which the person in question is the manager or proprietor.

A place of public accommodation, resort, or amusement within the meaning of this act shall be deemed to include inn, tavern, roadhouse, or hotel, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation, or rest; any restaurant, eating house, or any place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections, or where beverages of any kind are retailed for consumption on the premises; garage—

That is a new one—

and all public conveyances operated on land and water, as well as the stations and terminals thereof; public bathhouse, public boardwalk, public seashore accommodation; theater or other place of public amusement, motion-picture house, airdrome, music hall, roof garden, skating rink, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor; dispensary, clinic, hospital, public library, kindergarten, primary and secondary school, high school, academy, college and university, or any educational institution under the supervision of the regents of the State of New Jersey. Nothing herein contained shall be construed to include any institution, club, or place of accommodation which is in its nature distinctly private, or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry.

Any person who shall violate any of the provisions of the foregoing section as amended by denying to any citizen, except for reasons applicable alike to all citizens of every race, creed, and color, and regardless of race, creed, or color, or of previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said act enumerated, or by aiding or inciting such denial, or who shall aid or incite the violation of any of the said provisions, shall for each and every violation thereof forfeit and pay the sum of not less than \$100 nor more than \$500 to the State of New Jersey, to be recovered in an action of debt, with full costs, and shall also for every such violation be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than \$500 or be subject to imprisonment of not more than 90 days, or both such fine and imprisonment.

Here is another statute which has added schools, colleges, and so forth. I do not know what has been left out; everything seems to have been included. Not only are fine and imprisonment imposed but the State collects the damages fixed in the statute, and the person or persons injured may claim the amount from the State. As I read the statute, they do not even have to sue for it. According to this language, the State collects it for them and gives it to them if their feelings are in anywise hurt because, for example, they were prevented from taking a bath with some of the white people on the seashore at Atlantic City.

The aggrieved party or parties in any such action or actions is authorized by this act to institute—

I am glad the Senator from New Jersey [Mr. SMATHERS] has come into the Chamber.

Mr. SMATHERS. I thought I heard Atlantic City mentioned.

Mr. ELLENDER. I am now dealing with the great State of New Jersey. I am sorry the Senator was not here when I read the various places of amusement that are included in the statute of his great State, which permits social equality between whites and blacks, and I am wondering if, by chance, any such places at all were left out. I think everything is pretty well covered.

Mr. SMATHERS. Mr. President, I hope the Senator will do justice to my great State in dealing with this subject.

Mr. ELLENDER. I do not want to be unfair about it. I am going to treat New Jersey just as I treat Maine and Louisiana and other States. I believe in fair play to all.

The aggrieved party or parties in any such action or actions is authorized by this act to institute said action or actions in the name of the State of New Jersey, and in case judgment is awarded in favor of the plaintiff, the aggrieved party shall be paid out of the judgment so recovered, the costs incurred in prosecuting said action according to a bill of costs to be taxed by the clerk of a district court if said action is brought in any district court of the State, or by the clerk of the court of common pleas if said action is brought in any county where there is no district court, such costs to be taxed as in civil actions for tort within the jurisdiction of either of said courts, and also attorney's fees of not less than \$20, and not more than \$100, to be determined and fixed by an order of the judge of said district court or judge of the court of common pleas where such action is brought at the time of the entry of said judgment.

Notice by this statute that the State of New Jersey has gone to the limit, it seems to me, in aiding any aggrieved person to recover, because the State says to a citizen of New Jersey who happens to have a restaurant or a theater or a place of amusement, "Not only will we fine you, not only will we put you in jail, but we are likely to collect from you and pay over to the aggrieved person the amount of damages fixed by the statute." As I say, I made that statement a while ago, and I have repeated it for the purpose of getting the Senator from New Jersey—who, by the way, was a distinguished jurist and a judge at Atlantic City—to inform me whether or not I misrepresented the situation. If I did, I shall be glad to abide by whatever he states on the subject.

Mr. SMATHERS. Mr. President, the Senator from Louisiana correctly states the law. I should like simply to add to his remarks that there has not been a lynching in the State of New Jersey in the history of the State, at least as far back as I have been able to go since my association with the great State of New Jersey.

Mr. ELLENDER. I have in my hand the World Almanac for 1937, and I desire to check on page 282 to determine whether or not the statement of the Senator from New Jersey is correct. I find that the lynchings are given by States from 1839 to 1933, and I do not find that there has been any lynching in New Jersey during that period.

I read from the Laws of 1935, chapter 151:

1. (a) There is assured to the people of this State under the Constitution of the United States of America freedom of conscience in the matter of religious worship, and also equality in the protection of life, liberty, and property, for the establishment of justice, insuring of domestic tranquillity, promotion of the general welfare, and securing of the blessings of liberty; and

(b) Under the Constitution of the State of New Jersey, civil and religious liberty are guaranteed to the people of this State, and the people thereof are declared to have certain natural and inalienable rights, amongst which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, pursuing and obtaining safety and happiness, and enjoying freedom of conscience in the matter of religious worship; and

(c) The dissemination, circulation, or publication of propaganda or statements creating or tending to create hatred, violence, or hostility against people of this State by reason of their race, color, religion, or manner of worship, has created or tends to create violations of said constitutional assurances and guarantees, and disturbance of domestic tranquillity and peace of the people of this State, and is provocative of violence, causing injury to persons and property.

2. Any person who shall print, write, multigraph, or in any manner whatever make or produce or by any means set out and make legible in any language;

(a) Any book, speech, article, statement, circular, or pamphlet which in any way, in any part thereof, incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion, or manner of worship; or

(b) Any constitution, bylaws, rules, regulation, or record of any proceedings of any organization, association, corporation, society, order, club, or meeting of three or more persons, which in any way incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion, or manner of worship; or

(c) Any picture, photograph, emblem, representation, sign, or token which in any way incites, counsels, promotes, advocates, or symbolizes hatred, violence, or hostility against any group or

groups of persons residing or being in this State, by reason of race, color, religion, or manner of worship.

Shall be guilty of a misdemeanor.

3. Any person who shall have in his possession, for the purpose or with intent to utter, sell, give away, circulate, distribute, or exhibit to the view of another, or any person who shall utter, sell, give away, circulate, send, transmit, distribute, or exhibit to the view of another:

(a) Any book, speech, article, statement, circular, pamphlet, or other written, printed, or multigraphed matter, made or produced in any manner whatsoever, in any language, or by any means set out and made legible, which in any way, in any part thereof, incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion, or manner of worship; or

(b) Any constitution, bylaws, rules, regulations, or records of any proceeding or purporting to be such, of any organization, association, corporation, society, order, club, or meeting of three or more persons, made or produced in any manner, or by any means set out and made legible, in any language, which in any way, in any part thereof, incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State, by reason of race, color, religion, or manner of worship; or

(c) Any picture, photograph, emblem, representation, sign, or token made or produced in any manner, which in any way incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State by reason of race, color, religion, or manner of worship, shall be guilty of a misdemeanor.

4. Any person who shall exhibit or display at any meeting of three or more persons or in any parade, public or private, or in any public place, any flag, banner, emblem, picture, photograph, representation, tableau, performance, sign, or token, which in any way incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being in this State by reason of race, color, religion, or manner of worship, shall be guilty of a misdemeanor.

5. Any person who shall, in the presence of two or more persons, in any language, make or utter any speech, statement, or declaration, which in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility against any group or groups of persons residing or being in this State by reason of race, color, religion, or manner of worship, shall be guilty of a misdemeanor.

6. Any owner, lessee, manager, agent, or other person who shall knowingly let or hire out, or permit the use of any building, structure, auditorium, hall, or room, or any part thereof, whether licensed or not, to or for the use of any organization, association, society, order, club, group, or meeting of three or more persons where it is purposed or intended to hold any meeting or assembly of three or more persons whereat any provision or provisions of the four preceding paragraphs hereof are to be violated, shall be guilty of a misdemeanor; and any person or persons who shall knowingly hire any such building, structure, auditorium, hall, or room, or any part thereof, for the purpose of using or permitting the same to be used by others for the purpose of violating any provision, or provisions of the four preceding paragraphs hereof, shall be guilty of a misdemeanor.

7. Any person who shall from any station, studio, radio transmission equipment, microphone, or any other equipment, or device of any nature or kind, located within this State, broadcast, or make audible to others, within this State, through any radio receiving set, device or equipment of any nature or kind, located within this State, in any language, any speech, declaration, statement, or pronouncement which in any way incites, counsels, promotes, or advocates hatred, violence, or hostility against any group or groups of persons residing or being within this State, by reason of race, color, religion, or manner of worship of such group or groups, shall be guilty of a misdemeanor, and the owner of any such station, studio, radio transmission equipment, microphone, or any other equipment or device of any nature or kind, for the transmission of sound, who shall knowingly permit the same or any part thereof to be used for such purpose, shall be guilty of a misdemeanor.

8. Any person, firm, corporation, or association violating any provision of this act, shall be punishable by a fine of not more than \$5,000, nor less than \$200, or by the imprisonment not exceeding 3 years, nor less than 90 days, or by both such fine and imprisonment, in the discretion of the court.

Mr. President, I repeat, I do not know of anything that was left out of the statute of New Jersey. It is provided that members of both races can go to theaters, picture shows, beaches, and every other kind of resort. I do not see anything left out. To my mind the statute is about the most complete of any I have had the pleasure to read to the Senate.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER (Mrs. CARAWAY in the chair). Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield.

Mr. LEWIS. From what State statutes was the Senator reading?

Mr. ELLENDER. I was reading from the statutes of New Jersey.

Mr. LEWIS. The junior Senator from New Jersey [Mr. SMATHERS], whom I see present, will take care of the interests of his State, I am sure.

Mr. ELLENDER. Yes; I am confident the junior Senator from New Jersey, who is listening to what I have to say, will take care of New Jersey's interests, as he always has, and I know always will.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SMATHERS. In New Jersey we feel that Pennsylvania has a better statute, guaranteeing a greater degree of equality, and we hope some day to write the statute of Pennsylvania into the laws of New Jersey.

Mr. ELLENDER. I intend to read the Pennsylvania statute to the Senate. It is a more recent statute. Personally I do not see how one could improve on the statute of New Jersey so as to give to both races a nearer approach to social equality. New Jersey is one of the States wherein marriages between whites and blacks are not prohibited. In my opinion, this New Jersey statute is almost a perfect statute in the attempt to give to the colored folks of New Jersey the same rights and privileges, socially and in every other way, enjoyed by the white people. As I have said New Jersey has gone even further than some of the other States mentioned and permitted intermarriage among white and colored people of the State.

I may be wrong, and if I am I want to be corrected, but I cannot believe that in New Jersey, where only 5 percent of the entire population are colored, the white people of the State had these statutes enacted. I am citing all these laws for the purpose of showing that it is only a small number of colored people in various States who are agitating and who are bringing about the adoption of such statutes as that I have just read, and the same groups are now agitating for the enactment of the bill now pending before the Senate.

Mr. SMATHERS. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. SMATHERS. I propose to support and vote for the pending antilynching bill because I believe that 98 percent of the people of the State of New Jersey favor it.

Mr. ELLENDER. I do not doubt that 98 percent of the people of New Jersey are against lynching, just as 98 percent of the people of Louisiana are against lynching, but I am arguing that the pending bill will not prevent lynching. It will not. On the contrary, as I have said on many occasions, if the matter is left to the Federal Government, the Federal Government will make just as dismal a failure in enforcing the laws with respect to colored people and white people in the South as it has done and is now doing in the city of Washington. The Federal Government is not equal to the occasion. If we are only let alone, we of Lafayette, La., from whence comes Congressman MOUTON, who is now in the Senate Chamber, or the good people of St. Tammany Parish, La., the home of Congressman GRIFFITH, who also happens to be present, can handle our own situation.

If the crime of lynching were on the increase, if no effort was being made by the various sovereign States of the South to prevent lynching, if it could be shown that the Southern States were not guaranteeing a republican form of government to the citizens of those States, they would be entitled to come to the Congress for relief; but not before. We feel that we are able to manage this affair. Lynching has been on the decrease in the South and throughout the Nation for quite a number of years, so that last year only eight people were lynched throughout the entire Nation.

Mr. SMATHERS. Mr. President, will the Senator yield?

Last week I heard Senators attack the city of Chicago and the administration of law in the city of Chicago as it relates to gangsters, and I wish to say for the benefit of the RECORD and the benefit of those speakers who

made that attack last week that when the local authority broke down completely, the Federal Government stepped in and got Al Capone.

Mr. ELLENDER. To what particular incident is the Senator referring? Is the Senator referring to the labor trouble which occurred some time ago?

Mr. SMATHERS. No, no. I am not referring to the labor trouble. I am referring to the time in the history of the city of Chicago when its authorities failed to or could not enforce its criminal law, and the Federal Government went ahead and got the ringleader, Mr. Al Capone, and the Government today has him in the Federal penitentiary.

Mr. ELLENDER. We in Louisiana have no objection to that at all. I should have no objection if Mr. Hoover should go out there and capture any person who performed an illegal act in connection with a mob. That, however, is not the question. The point I make is that we in the South, the good citizens there, the State authorities, have been doing our duty in an effort to stop the heinous crime of lynching. Lynching is on the decline in the South. Murder is on the increase throughout the United States. Why do you not get the Federal Government to prevent all murders in New York City, Chicago, San Francisco, and in the Senator's State of New Jersey? I say that unless and until it is shown that the citizens of a State do not have a republican form of government and one that can cope with the situation, that the Federal Government should not interfere where the matters involved affect the administration of the State's own laws. The laws punishing mob violence are on the books, and we are trying to enforce them.

Mr. President, as I stated Saturday and the day before, there is hardly a State in the South that does not have a law on its statute books which adequately deals with the lynching problem.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. ELLENDER. I yield.

Mr. CONNALLY. If the State of New Jersey in the enforcement of its laws allows some of its citizens to be murdered, and other crimes to be committed, then if the theory of this bill is sound, has not New Jersey violated the fourteenth amendment in no affording equal protection of the law to the different citizens, and if this bill is sound, would not the Federal Government be authorized to go into New Jersey and prosecute everyone guilty of murder and everyone guilty of theft and every highjacker?

Mr. ELLENDER. As always, the Senator from Texas is eminently correct, and he has clearly expressed his point. In other words, that procedure could be extended widely. I can show by actual figures that every crime known in our country's history is on the increase, with very few exceptions. Yet lynching is on the decline. The number of lynchings in the United States was reduced from almost 300 per year to 8 last year. I say that lynching is declining, and we in the South are doing our very best to stop it, and will stop it if we are let alone. But if Senators desire to send the Federal Government down there to handle this matter, and not let the State authorities cope with the situation, God pity the Negro people. As I previously said, I am not saying that as a threat, or in any vindictive spirit. We are and have been earnestly trying to stamp out lynching. The States have been using their militia; they have been employing every agency at their command to prevent lynching, and they have succeeded admirably, as the records for 1936 and 1937 prove conclusively.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SMATHERS. Is it not a fact that all this bill does is to give the Federal Government the right to collaborate in the prosecution of an official who fails to do his duty? A sheriff may elect to turn his back while a mob lynches an accused, whose rights are guaranteed by the Constitution, which the Senator from Texas thinks so much of. Is it not a fact that all this bill provides is that if such a situation arises and a sheriff should fail to perform his duty, then the

Federal Government may step in and see that the officer is properly prosecuted and punished? Is that not a fact?

Mr. ELLENDER. No, no, Senator. If the Senator will read the bill, I know he will not find that situation provided in the bill. That is not what it intends to do. If the bill is studied—and I have tried to digest it from cover to cover—it will be found that it states in section 2 what a mob is, and in section 3 will be found what the officer must and must not do in order to keep from landing in Leavenworth or Atlanta or some other Federal penitentiary.

Section 5 states, in effect, that when a lynching occurs in a certain county, its officials are subject to the bill's provisions. Under its provisions I do not see anything else that the judge could do when there is a lynching except to write up a judgment for from \$2,000 to \$10,000 in favor of the victim's parents or nearest of kin. It seeks to take charge of local self-government and says to us, "There has been committed a crime of lynching over here. You owe the victim's heirs \$8,000. We are going to make you pay it; and if you do not pay it we will seize your jail or your courthouse or we will force you to impose taxes on your property to cover the penalty."

Why should the Federal Government encroach upon the State unless it is shown that the State is failing to give to its citizens a republican form of government such as is provided for in the Constitution? Insofar as the execution of the laws on the statute books by a State is concerned, such execution should be left to the State authorities, without interference by the Federal Government.

New Jersey has a colored population of 208,282. Ninety-four thousand, or 45 percent, live across the river from New York City in the suburbs of New York, but are citizens of New Jersey. Seventy-eight thousand five hundred and sixty-five, or 38 percent, live in Camden, Elizabeth, Jersey City, Newark, Paterson, and Trenton. That is the picture with reference to the distribution of the Negro population in the State of New Jersey.

I believe—I may be wrong, but to me it seems that it is those little cliques of colored folks living and located in these few cities, and not the white people, who have agitated for the passage of the statute I have just read. It is just a little group of low white politicians as their leaders, I imagine, who have demanded the passage of these statutes before the New Jersey Legislature in return for the Negro vote and that same group, together with others throughout the Nation, are now agitating for the passage of the pending bill.

Of course, it is said that it is an antilynching measure. And the proponents say lynching is awful. All of us agree to that. As I said Friday, in my opening remarks, I would not be here today talking against this bill if I thought for a minute that it would stop lynching. But I repeat, it will not.

Let us now go to New York.

Laws of 1936, chapter 511:

It shall be unlawful for any public-utility company, as defined in the public-service law, to refuse to employ any person in any capacity in the operation or maintenance of a public service on account of the race, color, or religion of such person.

Laws, 1935, chapter 737:

All persons within the jurisdiction of this State shall be entitled to the full and equal accommodations, advantages, facilities, and privileges of any places of public accommodations, resort, or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons. No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any such place shall, directly or indirectly, refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges thereof, or directly or indirectly publish, circulate, issue, display, post, or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, and privileges of any such place shall be refused, withheld from, or denied to any person on account of race, creed, or color, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race, creed, or color is unwelcome, objectionable, or not acceptable, desired, or solicited. The production of any such written or printed communication, notice, or advertisement purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent, or manager thereof shall be presumptive

evidence in any civil or criminal action that the same was authorized by such person. A place of public accommodation, resort, or amusement within the meaning of this article shall be deemed to include inns, taverns, roadhouses, hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation, or rest, or restaurants, or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park, or enclosure where spirituous or malt liquors are sold; ice-cream parlors—

The PRESIDING OFFICER. Will the Senator suspend in order that the Senate may receive a message from the President of the United States?

Mr. ELLENDER. Certainly.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILLS

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on January 12, 1938, the President had approved and signed the following acts:

S. 1485. An act to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes; and

S. 2575. An act to increase the efficiency of the Coast Guard.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Hitchcock	Pepper
Ashurst	Connally	Johnson, Colo.	Pittman
Austin	Copeland	La Follette	Pope
Bankhead	Davis	Loneragan	Schwartz
Barkley	Dieterich	McCarran	Schwellenbach
Bilbo	Duffy	McGill	Sheppard
Bone	Ellender	McKellar	Smathers
Borah	Gibson	Maloney	Thomas, Okla.
Bulkley	Hale	Minton	Thomas, Utah
Bulow	Harrison	Norris	Townsend
Byrnes	Hatch	Nye	Truman
Capper	Hayden	Overton	Vandenberg

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is not a quorum present. The clerk will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators, and Mr. BROWN of New Hampshire and Mr. RUSSELL answered to their names when called.

Mr. ANDREWS, Mr. BAILEY, Mr. BRIDGES, Mr. BROWN of Michigan, Mr. BURKE, Mr. BYRD, Mr. CHAVEZ, Mr. CLARK, Mr. DONAHAY, Mr. FRAZIER, Mr. GEORGE, Mr. GILLETTE, Mr. GLASS, Mr. GUFFEY, Mr. HERRING, Mr. HILL, Mr. HOLT, Mr. KING, Mr. JOHNSON of California, Mr. LEWIS, Mr. LODGE, Mr. LOGAN, Mr. LUNDEEN, Mr. MCADOO, Mr. McNARY, Mr. MILLER, Mr. MURRAY, Mr. NEELY, Mr. RADCLIFFE, Mr. REYNOLDS, Mr. SHIPSTEAD, Mr. SMITH, Mr. STEIWER, Mr. TYDINGS, Mr. VAN NUYS, and Mr. WALSH entered the Chamber and answered to their names.

The PRESIDING OFFICER. Eighty-six Senators having answered to their names a quorum is present. The Senator from Louisiana has the floor.

Mr. ELLENDER. Mme. President, as I started to say when a quorum call was asked for, I was reading from the New York statute affecting the rights of colored and white people with respect to theaters and other places of amusement within the State. I had reached ice-cream parlors. I continue reading:

Confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; drug stores, dispensaries, clinics, hospitals, bathhouses, barber shops, theaters, motion-picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors—

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield to the Senator from Texas.

Mr. CONNALLY. Did the Senator read "baths" or "bathing facilities"?

Mr. ELLENDER. They are in the statute. Possibly I skipped that line when I was reading a while ago. In case I may have done so, I will reread that portion of the statute:

Bathhouses, barber shops, theaters, motion-picture houses, auditoriums, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, and universities, extension courses, and all educational institutions under the supervision of the regents of the State of New York; and any such public library, kindergarten, primary and secondary school, academy, college, university, professional school, extension course, or other educational facility, supported in whole or in part by public funds or by contributions solicited from the general public; garages, and all public conveyances operated on land or water, as well as the stations and terminals thereof.

It will be noted that in this statute, as in other statutes, even such things as garages have been included. The only reason that I can see for including garages is that evidently some white folks in New York went so far as to attempt to prevent colored folks from using certain garages, so these little cliques from Harlem and from Buffalo and from other large cities in New York prevailed upon the legislature to make no exceptions and to include everything.

Nothing herein contained shall be construed to include any institution, club, or place of accommodation which is in its nature distinctly private, or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry.

That is all of the statute for New York.

Now let us see how the population of the State of New York is distributed. Listen to this:

In 1930, out of a total Negro population in the State of New York of 412,814, 83 percent, or 341,269, were centered in New York City and Buffalo. That is the situation. The other 17 percent were scattered in other cities of New York State. That shows to me, and ought to prove to any other reasonable person, what power these little groups of colored folks exercise in Harlem, Buffalo, and other cities of New York State in order to impose upon the white population the statute I have just read. Certainly the white people of the State did not ask for the enactment of that statute.

Another thing worthy of note: Apparently these little groups of colored folks located in Harlem and in Buffalo, with their voting strength, have prevented the great State of New York from passing a law prohibiting the intermarriage of white and colored persons in the State of New York.

As I said on Saturday and on Friday, I am going to give all Senators a chance to vote on this question of intermarriage, as to whether or not intermarriage between whites and Negroes should be permitted in this country.

Mr. DIETERICH. Mme. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I do.

Mr. DIETERICH. I suggest to the Senator from Louisiana to expedite matters, that he submit his proposal as an amendment to the pending bill, so that we may vote on the entire thing at one time.

Mr. ELLENDER. I propose to do that, Mme. President. I shall give the Senator from Illinois, and in fact the whole Senate, a chance to vote on it.

As I said on Saturday, I expect to give the Senate three opportunities to vote on this problem of intermarriage of whites and Negroes. Whether or not the first amendment I shall offer will be constitutional, I do not know; but, to my way of thinking, it is just as constitutional as is the bill we are now debating.

I propose to offer an amendment whereby intermarriage between Negroes and whites shall be prohibited in every State in the Union.

If we fail to secure the adoption of that amendment, if it should happen to be a little bit too drastic, and the Senate

should turn it down, there are quite a few States in the Union which have thought enough of the preservation of the white race to pass laws prohibiting the intermarriage of white persons and colored persons; so, if I fail in my first amendment, I shall offer another amendment to the bill whereby, if colored folks and white folks are permitted to intermarry, say, in New York or in New Jersey, they shall not be permitted to come into Louisiana, where we have a law against the intermarriage of Negroes and white. North Carolina, Nevada, Oregon, and similar States where such marriages are prohibited, may likewise not want these persons to enter their borders. That is amendment No. 2. I propose to ask for a yea-and-nay vote on that question also, so that every Senator will have an opportunity of expressing himself on the amendment.

There is a third amendment, which I shall offer if the other two fail, which is not quite so drastic. That amendment is designed to prevent the intermarriage of whites and Negroes in the District of Columbia. Since I have been a Member of the Senate I have seen quite a number of white women hanging on the arms of colored men. I presume they were married; but I am going to try to prohibit that in the District of Columbia, if possible, just as it is prohibited in most of the other sections, because I am going to repeat what I have heretofore said on that subject. I hope it will sink in, and I should like to have it absorbed by the white people of this Nation. Listen to it:

Political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization.

I am going to show that the civilization of Egypt, India, and many other nations has decayed because of a mixture of the races.

Mr. SCHWARTZ. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I will. During the past few minutes I have been addressing quite a number of Congressmen. So few Senators are present that I thought I would address my remarks to the Congressmen who are in the Chamber at the moment; but I yield to the Senator from Wyoming. [Laughter.]

Mr. SCHWARTZ. I desire to ask the Senator whether he has been reading a quotation from someone else in his reference to political equality, or whether he has been reading his own views.

Mr. ELLENDER. That is my own viewpoint, Mr. President. After reducing it to writing, I found that Thomas Jefferson had the same viewpoint. Of course, as the Senator knows, great minds flow in the same channels. [Laughter.]

Mr. SCHWARTZ. Yes.

Mr. ELLENDER. I also found that Abraham Lincoln, the emancipator of the Negro race, held the same view.

Mr. SCHWARTZ. Would the Senator mind reading to the Senate quotations from their views, and not leave them to his recollection?

Mr. ELLENDER. I am going to read them, and I am going to put them in the RECORD for the benefit of the Senator from Wyoming, and other Senators who might be interested in the subject.

Mr. SCHWARTZ. Let me ask the Senator a question. I should like to know if he agrees with this statement:

Since equality in the enjoyment of natural and civil rights is made sure only through political equality, the laws of this State affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than individual incompetency or unworthiness, duly ascertained by a court of competent jurisdiction.

Does the Senator from Louisiana subscribe to that doctrine?

Mr. ELLENDER. What is the Senator reading from?

Mr. SCHWARTZ. I ask the Senator whether or not he subscribes to that doctrine. If it happened to be the doctrine of Thomas Jefferson, the Senator might say he believed in it.

Mr. ELLENDER. As far as I am concerned, with reference to property rights and rights of that nature, as between the Negroes and the whites, the doctrine read by the Senator is all right. We in the South give them the same material advantages as the whites. We give them schools; we have colleges for them; but we have them under separate roofs. We do not give them social equality.

As I have repeated to the Senate on several occasions, the Negro of the South is polite by instinct.

Mr. SCHWARTZ. Instinct or fear?

Mr. ELLENDER. Instinct.

Mr. SCHWARTZ. I thought perhaps it was fear.

Mr. ELLENDER. He has been taught from the cradle to be polite.

Mr. SCHWARTZ. Certainly; and a hundred years prior to that time he was taught it, was he not?

Mr. ELLENDER. Yes; as long as he has been in this country. When he came from Africa he was a barbarian. As I said Saturday, in the course of my remarks, it was very unfortunate that slavery ever existed in this country; very unfortunate. It brought on the Civil War between the North and the South. That was a terrible occurrence and a regrettable catastrophe. But I contend that the Negro race benefited by slavery. Although they were held in bondage the Negro race benefited by it, because they were brought out of darkest Africa, and from a horde of warring savages they have been civilized and given a place to live, and have been cared for and looked after by the white people, until today they enjoy equal property rights with the white man in this great Nation of ours.

Mr. SCHWARTZ. That has been the argument for slavery since the dawn of time, has it not? Is not that the argument today made for lower wages and miserable conditions?

Mr. ELLENDER. The only reason why there was not slavery in Illinois, and the only reason why there was not slavery in Maine, Rhode Island, and other States, in those early days, was because slavery was not beneficial to those localities.

Mr. SCHWARTZ. The Senator means to the Indians who occupied the area now Illinois?

Mr. ELLENDER. No; I am talking about the Negroes. As I pointed out to the Senate Saturday, records show there were quite a number of slaves in the Northeastern States in early history.

Mr. SCHWARTZ. I will answer the Senator's question of a while ago, and then I will desist. The quotation I read was not from Jefferson, so the Senator need not feel that he is bound by it. It is a quotation from the Constitution of the State of Wyoming, and if I may ask the Senator now, does he believe in the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States?

Mr. ELLENDER. The Senator asks me whether I believe in them?

Mr. SCHWARTZ. Yes.

Mr. ELLENDER. Yes. Not to the extent, however, that they tend to recognize the Negro on a social equality with the whites.

Mr. SCHWARTZ. But the Senator does not believe in political equality?

Mr. ELLENDER. No; because it will eventually lead to social equality, as I have tried to show, and social equality will lead to the decay of our civilization.

Mr. SCHWARTZ. Does not every man make his own social status?

Mr. ELLENDER. Yes; if he is free to act, but I fear that if too much power is given the Negro he will be uncontrollable and the whites will eventually be in the minority. I shall show by quotation from his speeches that the Great Emancipator, Abraham Lincoln, was willing to free the Negroes but he was not willing to give them the political rights which the white people at that time enjoyed.

Mr. SCHWARTZ. An immediate vote, was it not, not general political rights?

Mr. ELLENDER. I will quote from his speeches.

Mr. SCHWARTZ. If the Great Emancipator said something, that closes the Senator's mind.

Mr. ELLENDER. No; it does not; but it merely happens that he expressed what are now my views, the views I expressed a while ago. There is no doubt at all in my mind that what Lincoln and what Jefferson had in mind was that the moment the colored race was given political equality with the whites it would lead to social equality, and they had sense and foresight enough to realize that social equality would eventually lead to a degradation of our civilization.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. Gladly.

Mr. AUSTIN. I should like to ask the Senator from Louisiana whether, in making his reference to certain States not having slavery as an institution, he recalled that the State of Vermont in its first constitution, adopted in 1777, had prohibited human slavery in that State. Is the Senator aware of that?

Mr. ELLENDER. I am not. But I recall that slavery thrived in Vermont for some time in its early history.

Mr. AUSTIN. It is true. I realize that it was the first State of the Union to enact in its fundamental law that doctrine of freedom, and also that it was the first State to put into its fundamental law the right of manhood franchise, not limited by property qualifications. I am very glad to have the Senator know that is a fact in any further discussion he may make.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. ELLENDER. In just a moment. The point I desired to emphasize was the one I made Saturday. In the early period of slavery there were quite a few slaves who were taken to the Northeastern States who were bought by plantation owners and farmers and artisans of the Northeast, but because of climatic conditions the Negro was not an economic success in the North, I am just drawing on my imagination and presume that the severity of weather conditions in the North required more money to feed the Negro, to clothe him, and to house him than it did in the South. In other words, because of the severity of the climate, the Negro slave was not worth enough to pay for his food and clothing, and so forth, in the North, whereas in the South, where the climate was comparable to the climate in Africa, the Negro thrived, and therefore slavery flourished.

I yield to the Senator from Illinois.

Mr. DIETERICH. The Senator made the remark that the only reason why slavery did not exist in Illinois and some of the other States was because it probably was not profitable. I wonder if the Senator is familiar with the period in the history of our country when the Northwest Territory was organized, many, many, many years ago, before the slavery question was a very serious one except with the colonists. I wonder if the Senator knows of the provision in the ordinance creating the Northwest Territory that neither slavery nor involuntary servitude should exist in that Territory or in any of the States that might be carved from it. I wonder if he knows that the Northwest Territory was created long before the States of Ohio, Indiana, Illinois, and Wisconsin were organized, almost as far back as the time when our Constitution was adopted.

Mr. ELLENDER. What I had in mind a while ago and stated applied principally to the Original Thirteen States. By the time the great State of Illinois was taken into the Union the North had already found that the Negro was not an economic asset to deal with.

Another fact, as is well known, the first slaves were landed in this country in 1619, and the importation of slaves ended just a few decades thereafter. The point I desire to make, and the point I did make on Saturday, had particular reference to the Original Thirteen States. In the beginning those States did not exactly disbelieve in slavery—at least most of them did not—but because the slaves were not profitable; because, as I said a while ago, it cost too much to feed them and too much to clothe them and too much to house them in the northern climate; and because the

northerners could not get much work out of them, slaves were not practical. Slaves were better investments in the South, and that is why there were so many in the South and so few in the North.

Mr. DIETERICH. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. DIETERICH. The Senator now explains that the reason why slavery was excluded from the Northwest Territory was that in the meantime the agricultural interests of the Northwest Territory had discovered that it was not profitable to use slave labor. Is that correct? They made that discovery before there was any agriculture in the Northwest Territory, did they not?

Mr. ELLENDER. Yes; long before.

Mr. DIETERICH. Long before there was any agriculture there?

Mr. ELLENDER. That is correct.

Mr. DIETERICH. Yet the reason why they excluded them was that the agricultural interests had found it was not profitable.

Mr. ELLENDER. The remarks I made applied only to the early history of slavery. My inclusion of the State of Illinois was merely a lapsus lingue.

Mr. DIETERICH. Then the argument the Senator makes does not apply to Illinois, or any of the States of the Northwest Territory?

Mr. ELLENDER. What I said about early slavery?

Mr. DIETERICH. Yes.

Mr. ELLENDER. No; the Senator is correct.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SCHWARTZ. I wonder whether the Senator is of opinion that the same condition of cold which made the Negro not an economic factor in the North should be applied to the textile mills of the North in favor of the South?

Mr. ELLENDER. In what respect? The Negro has been with us now over 250 or 300 years, and, of course, he has become acclimated.

Mr. SCHWARTZ. That the employees of the textile mills in the South can exist on lower wages than are paid in New England, and therefore the South should have the benefit of the climate and get the benefit of that low wage.

Mr. ELLENDER. The Senator is now referring to the labor bill. He is not discussing the Negro problem, as I understand.

Mr. SCHWARTZ. I had thought for several days that we had gotten away from the antilynching bill and were discussing everything else.

Mr. ELLENDER. Perhaps the reason why the Senator from Wyoming does not follow me at this time is that he did not hear my speeches on Friday and Saturday. I hope he will read what I said on those days and note the sequence.

Mr. SCHWARTZ. I was present on Saturday.

Mr. ELLENDER. I beg the Senator's pardon. My mistake. In citing these various statutes which were adopted by the States granting equal social rights to Negroes and whites I am endeavoring to point out that enactment of those statutes was brought about by small Negro minorities located in large cities in the various States.

Mr. SCHWARTZ. Various States, or various cities?

Mr. ELLENDER. Let us take New York, for instance. I have read the statute of New York for the benefit of the Senate. In New York, where there is a Negro population of 412,814, 341,269, or 83 percent, live in New York City and Buffalo.

Mr. SCHWARTZ. Where would the Senator have them live? Does he object to them living in Harlem?

Mr. ELLENDER. No; I am not objecting; but I am contending that these small minorities are forcing these laws upon the white population of New York and preventing, I say, because it is not on the statute books, the enactment of a law forbidding the intermarriage of Negroes and whites.

Mr. SCHWARTZ. That does not prevail in the South?

Mr. ELLENDER. No, it does not; and I hope to God it never will. We do not believe, never did believe, and I hope never will believe, in social equality between the whites and the Negroes.

Mr. SCHWARTZ. The Senator misunderstood my question. That was not what I tried to ask him.

Mr. ELLENDER. I am sorry.

Mr. SCHWARTZ. Does the Senator contend that the people in the North and their Representatives in Congress are coerced, and entertain fear, and vote for the pending bill, if they do vote for it, out of a selfish desire to get some individual votes, but the Senators from the South and the people of the South are actuated by high, moral, patriotic motives, away up in the air?

Mr. ELLENDER. That is correct.

Mr. SCHWARTZ. The Senator admits it?

Mr. ELLENDER. Yes; I do. I believe in white supremacy, and as long as I am in the Senate I expect to fight for white supremacy, because I can see, not in my lifetime, perhaps, or in the lifetime of my boy or of his children, but in the years to come, if the amalgamation of whites and Negroes in this country is permitted, that there will be a mongrel race, and there will come to pass the identical condition under which Egypt, India, and other civilizations decayed.

Mr. President, why did not the Negroes progress and become more highly civilized in their homeland—Africa? Africa is a fine land. They had as fine a country to live in as we did. They had as fine a climate as ours. But they did not have the intellect which the white people have! I say that I shall be able to show by historical data that Egypt, a country which at one time was highly civilized, which had the finest engineers, doctors, and scientists, in the world at that period, began to deteriorate the moment there was a mixture of the Aryan race in Egypt with a few slaves who were brought there to help build the pyramids. An amalgamation of the white Egyptian race with the black slaves who helped build the pyramids came about, and in a few centuries what was the result? A mulatto came to the head of the Egyptian Government, and when the Persians took charge of that country there was nothing but a decayed civilization. Their victory was costly and the capture of Egypt simply meant more burdens on the shoulders of the Persians.

Mr. President, I want America to keep its civilization at the highest point.

Mr. SCHWELLENBACH. Mr. President—

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Does the Senator from Louisiana yield to the Senator from Washington?

Mr. ELLENDER. I yield.

Mr. SCHWELLENBACH. Could the Senator tell us just which day he intends to come around to talking seriously about Egypt?

Mr. ELLENDER. I expected to get around to that this afternoon, but I said Saturday that I did not mind interruptions and, of course, I am glad to answer any and all questions to the best of my ability.

I am coming to a discussion of Egypt and will put into the Record the facts concerning that country's history and I hope that Senators who do not have the patience to listen to my speech, or what I shall read, will, when they get back home read it in the Record, and study it a little bit and follow the sequence of my argument.

Mr. SCHWELLENBACH. But the Senator thinks that perhaps he will get to it this afternoon?

Mr. ELLENDER. Perhaps so.

Mr. SCHWARTZ. Mr. President, will the Senator again yield?

Mr. ELLENDER. I yield.

Mr. SCHWARTZ. Is it the Senator's thought that the passage of the antilynching bill will produce such a fine feeling of harmony and good will in the South that it will speedily produce a mulatto race?

Mr. ELLENDER. No; but this is only one cog in the wheel that will give our Nation, not the South, that, later on. Today in the lower House a bill is pending making all marriage and divorce laws uniform. What is the purpose of that bill? As I have said many times in the Senate during the course of this debate, if a colored man is given a foot he takes a yard. The next thing that is going to confront us here—and Senators, watch it!—is the effort to get something else passed, so as to join the Negroes just a little closer to the whites socially. That is what such legislation as this pending bill is leading to.

Take all of the State statutes from which I have read. As I said today, I have been in New York many times and I have been in Chicago many times, and although those laws permitting the colored folks to go into hotels and restaurants and all those things are on the statute books, they keep from doing so, because the white people of those cities do not want to rub elbows with the Negroes any more than we in the South want to rub elbows with them. That is the truth of the matter.

Mr. President, for fear that I did not put in the RECORD for the benefit of the Senate the Negro population of the State of New York, I will do so now. It was 412,814, according to the 1930 census. Eighty-three percent of that population lives in New York City and in Buffalo. In New York City the greater portion lives in Harlem. That little handful of colored people in Harlem may hold the balance of power on a certain election. They use that power to advantage in getting such legislation as this put before the Congress. I repeat, that it is the same little cliques in Harlem and in Indianapolis and in Chicago and in Rochester and in other cities of the country that are asking that the antilynching bill be passed. It is said that by the passage of such a bill as this lynching will be stopped. I say again that if those propagandists, if those groups, if the church people knew the facts about this question, if they knew how the South is trying to stamp out lynching and knew how the good people of the South hate lynching, just as much as they do, I am sure that they would be likely to take a different attitude on the question, and view it as I do, and as the people of the South have seen it ever since we have had the problem to contend with.

Let us consider the State of Ohio. Code of 1936 (Baldwin's revision):

SEC. 12940. Whoever, being the proprietor or his employee, keeper, or manager of an inn, restaurant, eating house, barber shop, public conveyance by land or water, theater, or other place of public accommodation and amusement, denies to a citizen, except for reasons applicable alike to all citizens and regardless of color or race, the full enjoyment of the accommodations, advantages, facilities, or privileges thereof, or, being a person who aids or incites the denial thereof, shall be fined not less than \$50 nor more than \$500 or imprisoned not less than 30 days nor more than 90 days, or both.

Let us see how the population in Ohio is distributed, which again will show that it is just a few little cliques here and there in certain States that are causing the legislatures of the various States to pass certain statutes and to give to the colored people in those States social equality. Sixty-seven percent of the colored population of Ohio is in Akron, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown. I do not know, and I should like someone to contradict me if I am wrong, but I imagine that in those large centers, just as Harlem and Buffalo and other places, quite a number of Negro voters are found; and, of course, those who control the colored voters are able to demand certain things from the legislatures of those States, and, of course, they are likely to ask for the passage of such legislation as this, so as to give the Negro the same social rights accorded the whites.

Let us now turn to the State of Pennsylvania. I think the Senator from New Jersey [Mr. SMATHERS] said that he was hopeful that in the course of time his State might adopt the statute that is now the law in Pennsylvania, because it happens to be a brand new one. Here it is, Senator SMATHERS. It was passed in 1936. I shall now read it.

Purdon's Pennsylvania Statutes 1936, title 18, sections 1211, 1212:

All persons within the jurisdiction of this Commonwealth shall be entitled to the full and equal accommodations, advantages, facilities, and privileges of any places of public accommodation, resort, or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons. No person being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any such place, shall directly or indirectly refuse, withhold from, or deny to, any person, any of the accommodations, advantages, facilities, or privileges thereof, or directly or indirectly publish, circulate, issue, display, post, or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, and privileges of any such places, shall be refused, withheld from, or denied to, any person on account of race, creed, or color, or that the patronage or custom thereof, of any person belonging to, or purporting to be of, any particular race, creed, or color is unwelcome, objectionable, or not acceptable, desired, or solicited. The production of any such written or printed communication, notice, or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent, or manager thereof, shall be presumptive evidence in any civil or criminal action that the same was authorized by such person. A place of public accommodation, resort, or amusement, within the meaning of this article, shall be deemed to include inns, taverns, roadhouses, hotels, whether conducted for the entertainment of transient guests, or for the accommodation of those seeking health, recreation, or rest, or restaurants or eating houses, or any place where food is sold for consumption on the premises, buffets, saloons, barrooms, or any store, park, or enclosure where spirituous or malt liquors are sold, ice cream parlors, confectionaries, soda fountains, and all stores where ice cream, ice and fruit preparations, or their derivatives, or where beverages of any kind, are retailed for consumption on the premises, drug stores, dispensaries, clinics, hospitals, bathhouses—

Again bathhouses—

theaters, motion-picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges, and universities—

Mr. SCHWARTZ. Does it say anything in that law about churches?

Mr. ELLENDER. I believe it left the churches out. It must have been an oversight. I invite Senator SMATHERS' attention to that omission, since he stated that he was in favor of adopting for his State the Pennsylvania statute and of making the law for his State perfect—

extension courses, and all educational institutions under the supervision of this Commonwealth, garages and all public conveyances operated on land or water, as well as the stations and terminals thereof.

They do not leave out anything.

Nothing herein contained shall be construed to include any institution, club, or place or places of public accommodation, resort, or amusement, which is or are in its or their nature distinctly private, or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry.

Any person who shall violate any of the provisions of this act or who shall aid or incite the violation of any said provisions shall for each and every violation thereof be fined not less than \$100 nor more than \$500, or shall be imprisoned for a period of not less than 30 days nor more than 90 days, or, in the discretion of the court, both such fine and imprisonment may be imposed. (Laws 1935, No. 297, sec. 1.)

Any agent, conductor, or employee of any railroad or railway corporation, within this Commonwealth, who shall exclude, allow to be excluded, or assist in the exclusion, from any of their cars, set apart for the accommodation of passengers, any person or persons, on account of color or race, or who shall refuse to carry such person or persons, on account of color or race, or who shall throw any car or cars from the track, thereby preventing persons from riding, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine, not exceeding \$500, nor less than \$100, or be imprisoned for a term not exceeding 3 months nor less than 30 days, or both, at the discretion of the court.

Now, Mr. President, let me state to the Senate how the Negro population in the great State of Pennsylvania is distributed and how comparatively small groups located in several of the large cities, as I have pointed out in the case of other States, are responsible for such laws as those to which I have referred. I feel confident that they, and no others, are responsible, and I invite any Senator to show to the contrary. The State of Pennsylvania has a total Negro population of 431,257, of which in the two cities of Philadelphia and Pittsburgh there are located 274,582, or 64 percent. The Negro groups located in those cities probably hold, as in the case of other States, the balance of power; their vote counts for something; and it seems that, from their

standpoint, they have been able to drive a pretty fair bargain when they are able to impose on the people of Pennsylvania such a law as the one I have just read.

The great State of Pennsylvania is one of the 18 States that does not prohibit intermarriage between the whites and Negroes, and, the laws in that State, whether so designed or not, give the Negroes equal rights, social and otherwise, to every white person living within the State of Pennsylvania.

I now come to Rhode Island, Laws of 1925:

C. 658. No person within the jurisdiction of this State shall be debarred from the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of any licensed inns, restaurants, eating houses, bath houses, music halls, skating rinks, theaters, public conveyances, on land or water, or from any licensed places of public accommodation or amusement, except upon conditions and limitations lawfully established and applicable alike to all citizens or as provided by law.

Rhode Island had a Negro population of 9,913 in 1930, and 55 percent of that number were located in one city, Providence.

I now come to the State of Wisconsin and read from the Code of 1937:

Sec. 340.75. Any person who shall deny to any other person, in whole or in part, the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, saloons, barber shops, eating houses, public conveyances on land or water, or any other place of public accommodation or amusement, except for reasons applicable alike to all persons of every race or color, or who shall aid or incite such denial, or require any person to pay a larger sum than the regular rate charged other persons for such accommodations, advantages, facilities, and privileges, or any of them, or shall refuse to sell or furnish any type of automobile insurance or charge a higher rate for such insurance because of race or color, shall be liable to the person aggrieved thereby in damages not less than \$5 with costs, and shall also be punished for every such offense by fine of not more than \$100 or be imprisoned in the county jail not exceeding 6 months, or by both such fine and imprisonment: *Provided*, That a judgment in favor of the party aggrieved or the imposition of a fine or imprisonment shall bar any other proceeding.

It will be noted that the Wisconsin statute adds a clause with reference to automobile insurance and provides that charges for such insurance must be the same. I am wondering what caused such a clause to be put into the Wisconsin statute. It may be that some of the insurance dealers in that State tried to make a difference in rates charged and that the legislature was prevailed upon to put such a clause in the statute by little groups of Negroes residing in the larger cities, who, by banding themselves together and working collectively, have been able to command considerable power politically.

According to the census of 1930, the total Negro population in the State of Wisconsin was 10,739, and 70 percent of that number, or 7,501, were centered in the city of Milwaukee.

The junior Senator from Texas [Mr. CONNALLY] made the statement on Saturday that, in his opinion, in the larger cities throughout the Nation where the Negro population has settled, they have organized into societies, and in their number are found colored politicians who evidently bargain and dicker with the white politicians of the particular locality, and, in order to have the colored people "vote right," there is no doubt, in my mind, that they are promised the enactment of such laws as those to which I have referred—not that the laws are going to be enforced but for political purposes only. As I have said, I have many times been in large cities in States where such statutes are on the books, and I have yet to see Negroes patronize the same hotels as the whites or eat in the same restaurants with the whites. Such laws are fostered and put on the statute books by virtue of the influence of the small groups I have described.

This is not an antilynching bill, and it will not prevent lynching. As a matter of fact, there is no need for any kind of Federal antilynching legislation. Lynching is on the decline. I beg the Senate to let the South alone; to let us work out the Negro problem, and I feel confident that we can and will succeed.

Mr. President, I have just concluded reading the statutes enacted by various States, I am sure to the pleasure and satisfaction of a number of Senators. I know it is rather

tiresome for Senators to remain in their chairs and listen to me read statutes, but I am now through with that phase of the discussion. I am glad there were only 18 of them; I am glad the remainder of our States have kept such laws as these off of their statute books.

It is my opinion—I may be wrong about it and I hope I am—that ultimately these groups of colored people in the larger cities are going to become stronger and stronger; that they are going to become so powerful that they will be able to hold the balance of power at election time. If ever that happens, then, as surely as I am speaking to you here today, they are going to come to the Congress and demand legislation that will eventually put them on a basis of social equality with the white people of this entire Nation. And that is something against which I say we should, by all means, guard.

Now, let us see where social equality of Negroes with whites will lead us to. I am going to try, to the best of my ability, to show the Senate how mixture of the white race with the colored race means demoralization of the white race; means that the civilization of the dominant race becomes decayed as it mixes with the inferior race. I propose to cite from a book written by Alfred P. Schultz entitled "Race or Mongrel"; and I am going to read from the second chapter, beginning at page 5, in an effort to show where a mixture of the white and the Negro races will eventually terminate.

I read from chapter II, entitled "The Mongrel in History":

Biology and the correlated sciences of anatomy, physiology, embryology, and medicine prove—

Mr. SCHWARTZ. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Wyoming?

Mr. ELLENDER. I do.

Mr. SCHWARTZ. I desire to assure the Senator that I am not leaving the Chamber because he is speaking. I am perfectly content to continue as the whipping post for absent Senators; but I am leaving for the moment because I have read the book to which he refers.

Mr. ELLENDER. Very well, Mr. President. I hope it has made an impression on the Senator. I shall address my remarks to the Senator from Vermont [Mr. AUSTIN], who sits before me.

Mr. AUSTIN. Mr. President—

Mr. ELLENDER. I yield to the Senator from Vermont.

Mr. AUSTIN. I am very much complimented to have the Senator from Louisiana talk to me. I am here performing a duty which is imperative. However, I compliment him upon the vast scope of his reading. I observe that he made no reference to a certain statute, and I commend it to his consideration tonight when he retires to his home and feels like reading some more statutes. I refer to title 50 of the United States Code, sections 203 and 204, which have been in force and effect since 1871 and 1861, respectively, and nobody has yet seen fit to challenge their wisdom or their constitutionality.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Kentucky.

Mr. BARKLEY. I hope the Senator from Louisiana is not going to insulate his voice so that nobody can hear it except the Senator from Vermont [Mr. AUSTIN]. I am still here. I am one of the Senator's most faithful listeners.

Mr. ELLENDER. Indeed, Mr. President, I shall not slight my friend from Kentucky. I shall try to expand my voice so that the Senator from Kentucky will hear me, and all the occupants of the galleries as well. I know they too are interested in this problem, and I am going to read a little bit of history to them. I believe they will be very much interested; and it may remind some of them at any rate of their school days.

As I said, I read from chapter II of this book, the chapter being entitled "The Mongrel in History":

Biology and the correlated sciences of anatomy, physiology, embryology, and medicine prove that man is subject to all the laws which govern animal life; that the rules of nature rule him as rigidly as they govern the animal world, that the violation of any

of these laws on his part is always and without exception followed by the disastrous consequences which are the corollary to that law.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I do.

Mr. LEWIS. May I ask my able friend a question? We gather from the statement of the writer that it is his view that man is to be judged by the same rules which apply to animal life. Does my friend conceive from that statement that in the transformation from other forms of life we must expect to be and are likely by our conduct here to be disclosed as both monkey and jackass? [Laughter.]

Mr. ELLENDER. I suppose so. There are a good many in the country, at any rate. [Laughter.]

Mr. LEWIS. There are. I should like to know whether my able friend included statesmen within that definition. [Laughter.]

Mr. ELLENDER. Hardly. Not those present, at any rate. I continue reading from the book to which I have referred:

The poets and writers of the Middle Ages well knew that promiscuous intermarriage was bad. The bastards they depict in their works are the mean, the low, the sordid, cowards and felons, vermin of humanity. Not great criminals; strength of character, a requisite of greatness even in the field of crime, is the one quality that the mongrel is utterly destitute of.

The fact that most of our domestic animals were domesticated by the savage of antiquity, and that we had but little success in the domestication of wild animals, does not prove the greater intelligence of the savage. Their success was due to the fact that species were then in their nascent stage and more pliable.

A community of men that has not yet become highly specialized, that still consists of crude material, can become absorbed by another more highly developed—not in one generation, but in a dozen or more generations. The absorbent capacity of every race, however, is limited. It is our conviction that we are absorbing and have absorbed countless numbers of the highly specialized Celts, Slavs, Latins, Scandinavians, and Germans. It is a presumption indicating paranoia. External evidence alone prevents us from asserting that we absorb the Negro in two generations. Probably a small amount of Negro blood can be absorbed by a large white community; in 50 or 100 generations every trace of the Negro blood will have disappeared.

Selection is at work continually throughout organic nature; it uses not only the individual as a unit but also every cell, every one of the elements that constitute that individual. The necessary time being given, nature casts out every trace by which the harmony of the individual is destroyed. This result selection cannot accomplish if a considerable amount of foreign blood is continually injected into a body politic. A homogeneous people cannot develop; selection favors the stronger element in the individual; that is, the one fittest to survive, not necessarily the best. Where many people meet and intermarry, this stronger element is not the same in each individual of the nation. The result is a nondescript mongrel mass, devoid of character, without a future. With the thoroughbred, not with the mongrel, rests the future, rests the hope of the world.

Races do not fall from heaven; they are bred. The Aryan, the Semite, the Hamite never existed. These terms are abstractions. It has been found that some races have fundamental characteristics in common, and these are Aryan races; others have other characteristics in common, and these are Semitic races, etc. A race can without degenerating absorb another race of the same stock, if the race is small in numbers and the period of inbreeding following the crossing long. The absorption of a race belonging to a different stock is usually followed by degeneration, thus all Hamitic-Semitic people decayed; the Jews developed.

The intermarriage of people of one color with people of another color always leads to deterioration. Professor Agassiz says, "Let anyone who doubts the evil of the mixture of races and is inclined from a mistaken philanthropy to break down all barriers between them come to Brazil. He cannot deny the deterioration consequent upon an amalgamation of races, more widespread here than in any country in the world, and which is rapidly effacing the best qualities of the white man, the Negro, and the Indian, leaving a mongrel, nondescript type deficient in physical and mental energy."

"The most favorable opinion held in regard to the white-Indian half-breeds in Brazil is very poor. They are a lazy and troublesome class and much inferior to the original stock." (From Brazil, by C. C. Andrews.)

Darwin notes in half-breeds a return toward the habits of savage life. He says, "Many years ago, before I thought of the present subject, I was struck with the fact that in South America men of complicated descent between Negroes, Indians, and Spaniards rarely had, whatever the cause might be, a good expression." Livingstone, after speaking of a half-caste man on the Zambesi, described as a rare monster of inhumanity, remarks: "It is unaccountable why half-castes such as he are so much more cruel than the Portuguese; but such is undoubtedly the case." Humboldt speaks in strong terms of the bad character of the Zambos,

or half-castes between Indians and Negroes, and this conclusion has been arrived at by various observers. An inhabitant of Africa remarked to Livingstone that God made the white man, God made the black man, but the devil made the half-castes.

Klapproth states that the intermarriage of Caucasians and Mongolians produces half-breeds in whom the Mongolian type is always predominant, whatever may be the sex of the half-breed. Burmeister, who studied the mulattoes of South America and of the West Indian Islands, denies that the mulatto is exactly the mean between his two parents. In the immense majority of cases his characteristics are borrowed from both races, but one of them is always predominant, and that is nearly always the Negro race. Prunser-Bey passes the same judgment as far as the mulattoes of Egypt are concerned. He observes the marked predominance of the Negro type. It is manifest in the form and dimensions of the skull, in the forehead, usually low and receding, in the curly woolly hair, and in the prognathism (Ribot).

Does the bastard depicted by the medieval writers, and already referred to, personify the mongrelized peoples and nations? The following pages endeavor to answer the question.

Mr. LEWIS. Mr. President—

Mr. ELLENDER. I yield to the Senator from Illinois.

Mr. LEWIS. May I ask the Senator from what authority he is reading? Speaking seriously, I will say that the subject interests me.

Mr. ELLENDER. I am reading from the first chapter of a book entitled "Race or Mongrel," by Alfred P. Schultz, dealing with the mongrel in history, the mixing of the blood of people of different races, such as the colored race with the white race, and what it leads to. I propose in a few minutes to read from White America, by Mr. Cox, on the same subject.

Mr. LEWIS. Noting that the Senator has studied ethnology and ethnological relations, and hearing his animadversions upon the prospect of miscegenation between the blacks and the whites, I ask whether the Senator has come to the conclusion that that view as between the whites and the blacks applies also as between the whites and the Chinese and Japanese; in other words, whether the white and the yellow races on the Pacific coast must have the same threat or the same prospect.

Mr. ELLENDER. I may say to the Senator from Illinois that the same rule would apply, but not to so great a degree. There is more civilization in the Mongolian race, the Chinese and the Japanese, than there is in the Negro from Africa. For that reason the danger is a little farther removed; but finally we will come to the same conclusion.

Mr. RUSSELL. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield to the Senator from Georgia.

Mr. RUSSELL. The Senator is discussing a tremendously interesting subject. I feel that he is entitled to have a quorum here. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Lewis	Schwartz
Austin	Chavez	Logan	Schwellenbach
Barkley	Connally	McGill	Sheppard
Bone	Ellender	McKellar	Shipstead
Brown, Mich.	Frazier	McNary	Smathers
Brown, N. H.	Gibson	Miller	Thomas, Okla.
Bulkeley	Hale	Minton	Truman
Bulow	Harrison	Neely	Vandenberg
Burke	Hayden	Norris	Van Nuys
Capper	Johnson, Colo.	Russell	

The PRESIDING OFFICER. Thirty-nine Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. ANDREWS, Mr. ASHURST, Mr. BAILEY, Mr. BANKHEAD, Mr. BILBO, Mr. BORAH, Mr. BRIDGES, Mr. BYRD, Mr. BYRNES, Mr. CLARK, Mr. COPELAND, Mr. DAVIS, Mr. DIETERICH, Mr. DONAHEY, Mr. DUFFY, Mr. GEORGE, Mr. GILLETTE, Mr. GLASS, Mr. GUFFEY, Mr. HATCH, Mr. HERRING, Mr. HILL, Mr. HITCHCOCK, Mr. HOPE, Mr. JOHNSON of California, Mr. KING, Mr. LA FOLLETTE, Mr. LODGE, Mr. LONERGAN, Mr. LUNDEEN, Mr. MALONEY, Mr. MCADOO, Mr. MCCARRAN, Mr. MURRAY, Mr. NYE, Mr. OVERTON, Mr. PEPPER, Mr. PITTMAN, Mr. POPE, Mr. RADCLIFFE, Mr. REYNOLDS, Mr. SMITH, Mr. STEIWER, Mr. THOMAS

of Utah, Mr. TOWNSEND, Mr. TYDINGS, and Mr. WALSH entered the Chamber and answered to their names.

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, there is a quorum present.

Mr. LEWIS. Mr. President, with the consent of the Senator from Louisiana, I beg at this time to introduce a joint resolution which looks to the amendment of the Constitution for the providing of a republican form of government to the District of Columbia.

Mr. BARKLEY. Mr. President, would the Senator from Illinois be willing to withhold the introduction of that joint resolution until later in the afternoon? The Senator will be given an opportunity to do that a little later.

Mr. LEWIS. Since the leader of the majority requests that it be done, I shall accede to his request.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. ELLENDER. I yield.

Mr. McKELLAR. I hope that Senators who are present will listen to what I am going to read in a moment. I shall read telegrams and letters from the Governors of all the Southern States concerning this bill. I think their reading will prove extremely interesting to Members of the Senate.

Some 2 weeks ago when I made my first speech on the antilynching bill, I made the statement that the Governors, sheriffs, and other State officials were making splendid progress in eradicating the crime of lynching. I gave the figures showing that in 1884 there were 160 white persons lynched in the United States and that due to the action of State authorities the number of lynchings had steadily decreased until 1934, when there were no lynchings of white persons, and there have been none since that time. I also stated that the peak of colored lynchings was in 1892, when 231 Negroes were lynched, and that since that time the number had steadily decreased until there were 8 in 1937.

Having these facts in mind, I resolved upon the plan of writing a letter to the Governor of each Southern State asking him to advise me of what he proposed to do in stamping out lynching in his State in the year 1938 and in succeeding years. I wrote to 16 Governors. I wrote to the Governors of all the Southern States, including the border States of Kentucky and Missouri, and the far Southwestern States of New Mexico and Arizona. I have heard from all the States but 1, 14 of them being purely Southern States, and have also heard from New Mexico. I have not heard from the Governor of Arizona.

I desire to read first my letter, written on Jackson's birthday. A similar letter was written to each Governor. I shall now read the letter I wrote. It happens that the copy of the letter I have before me is the copy of that addressed to the Honorable A. B. Chandler, Frankfort, Ky. The letter is as follows:

JANUARY 8, 1938.

Hon. A. B. CHANDLER,
Frankfort, Ky.

MY DEAR GOVERNOR CHANDLER: I am sending you under separate cover the bill known as the antilynching bill, together with a table of figures showing the crime of lynching by years, as taken from the Negro yearbook published in Tuskegee, Ala.

You will note that in 1884 there were 160 white people lynched and 51 Negroes. From that time down to 1934 the lynching of white people gradually decreased until it ceased entirely in 1934. This was brought about solely by the action of the several States.

So in 1892, the lynching of Negroes reached the peak with 231 lynchings, and since that time the lynching of Negroes has gradually decreased until 1937, when 8 Negroes were lynched. This tremendous decrease was brought about by the action of the State and local authorities. I believe that certainly in 2 or 3 more years if the matter is left to the jurisdiction of the States that lynching of Negroes will also entirely cease.

It has now so nearly ceased that I am taking the liberty of calling your particular attention to these figures and asking that you particularly watch the situation carefully this year and see to it, if humanely possible, that in the year 1938 no person in your State be allowed to be lynched.

I hope you will not think me presumptuous in making this suggestion. My sole purpose is the good of our country, my reverence for law and order, and my abhorrence of the crime of lynching.

I do not for a moment approve directly or indirectly the crime for which lynching is so often administered. That crime should

be punished, but it should be punished by and under the law and not by lynching.

I am writing this letter to the Governor of each Southern State and I hope, indeed I know, that you will be glad to receive this letter in the spirit in which it is written. I just hope we can make the year 1938 a red-letter year in our history showing an absolute freedom from lynching during the year. We can thus fully demonstrate to the country that this crime which has been so greatly lessened by the State authorities will be entirely eradicated by the State authorities as it should be. I very much fear that the crime will be increased rather than lessened if the Federal Government takes supervision of it.

Can we who are fighting here for home rule, for local self-government, for the rights of the State, as declared by the Constitution, rely upon you to do all in your power to prevent any lynching in your State?

Kindly wire me collect as soon as you can after receiving this letter.

Very sincerely yours,

KENNETH McKELLAR.

I do not read these communications in the order in which they were received, but as they are in the file. I now read a telegram from the Governor of Georgia, dated January 17, 1938. He had been away from his home for some time. The telegram is as follows:

ATLANTA, GA., January 17, 1938.

Hon. KENNETH McKELLAR,

United States Senate Building:

The Southern States have shown an ability to reduce lynchings to almost the vanishing point. I believe if permitted to continue to handle the matter ourselves we will entirely eradicate it. I think the passage of the Federal antilynching bill would aggravate the situation rather than assist it. I expect to do all in my power to prevent any lynchings in Georgia. There are more lynchings through gangster and other violence in other sections of the Nation than in the South. We feel we are making more progress in eliminating lynchings than in any section of our country, and this despite the fact that the crime for which lynchings in the South usually occurs is most heinous while the lynchings in other sections by gangsters and other mob violence are usually upon innocent victims who have committed no crime. Certainly I am opposed to the antilynching bill.

E. D. RIVERS, Governor.

The next communication is from the Governor of Virginia, as follows:

RICHMOND, VA., January 10, 1938.

Hon. KENNETH McKELLAR,

Senate Office Building:

Your letter just received. Virginia has a State law against lynching, passed about 10 years ago. We have not had a lynching in the State since that time. I think the problem should be left to the States.

GEO. C. PEERY, Governor.

Next I read a telegram from the Governor of Mississippi, as follows:

JACKSON, MISS., January 14, 1938.

Senator KENNETH McKELLAR,

United States Senate:

I have done and will continue to do everything in my power to prevent lynching in Mississippi. I truly and sincerely hope that Mississippi will be able to go through the entire year of 1938 as it did the year 1936 without one lynching to mar its record.

HUGH WHITE,
Governor of Mississippi.

I read a telegram from the Governor of Oklahoma:

OKLAHOMA CITY, OKLA., January 14, 1938.

Senator KENNETH McKELLAR,

Senate Office Building:

I have just received your letter of January 8 and hasten to assure you of my sympathy with and support of the position you have expressed in that letter.

E. W. MARLAND,
Governor of Oklahoma.

I now read a telegram from the Governor of Louisiana as follows:

BATON ROUGE, LA., January 13, 1938.

United States Senator KENNETH McKELLAR,

Washington, D. C.

MY DEAR SENATOR: I thank you for your letter of January 8. I am thoroughly in accord with the views expressed by you, first that the antilynching bill is an unwarranted interference in the sovereign rights of the States and in my opinion clearly unconstitutional, and second, that public officers should do all in their power to prevent lynching. For your information there have been only 21 lynchings in Louisiana in the past 16 years. There were none in 1936, none in 1937, and we sincerely hope there will be none in 1938. The greatest safeguard against such practices is enlightened public opinion and a realization by the people that

all interests are best served through the established processes of the law. Lynchings, as well as other forms of mob violence, are the results of emotion rather than reason and there is no reason to believe that under such emotional stress a Federal law would be given any more consideration than a State law, even if the Federal law were constitutional. In my opinion, the antilynching bill inspires race prejudice, sectional hatred, and if enacted into law would be no more countenanced by the Constitution than a Federal statute dealing with drunkenness, loitering, or disturbance of the peace.

With kindest personal regards,

RICHARD W. LECHE,
Governor of Louisiana.

I also read a letter from the Governor of Missouri dated January 10 addressed to me. The Governor of Missouri does not express an opinion about the bill. Missouri is a border State. The letter is as follows:

EXECUTIVE OFFICE, STATE OF MISSOURI,
Jefferson City, January 10, 1938.

HON. KENNETH MCKELLAR,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Thank you very much for your letter of January 8, and for the copy of the antilynching bill, together with table of figures showing the crime of lynching by years, as taken from the Negro yearbook published in Tuskegee, Ala.

With kindest regards and best wishes, I am,

Sincerely yours,

LLOYD C. STARK, Governor.

Mr. President, as I said, Missouri is a border State, as we all know. That is the only note in all the telegrams or letters which is not in full sympathy with the letter which I have written.

I now read a telegram from the Governor of Florida, as follows:

TALLAHASSEE, FLA., January 16, 1938.

Senator KENNETH MCKELLAR,
Senate Office Building, Washington, D. C.:

Re tel. 14th and letter January 8th. Been away from my office reason for delay in answering. I am personally opposed to lynching and people of Florida against lynching. Lynching in our State has about disappeared. We protect all prisoners with State troops if necessary to see that they get fair trials by the court. Florida is a State composed of people from every State in the Union who have come here to enjoy our climate and many industries moving here on account of favorable conditions. We are bitterly opposed to the Government running our State affairs and appeal to you Senators not to pass the antilynching bill, as it will cause lots of strife and sectional feelings and will positively not help the cause. Can see no reason for legislation of this kind and in these times of international disturbances we need the cooperation of our entire citizenship. Will say to you in behalf of the people of my State who have always been loyal to our flag and our country not to pass this force bill upon our people.

FRED P. CONE,
Governor of Florida.

I now read a telegram from the Governor of New Mexico, as follows:

SANTA FE, N. MEX., January 13, 1938.

HON. KENNETH MCKELLAR,
United States Senator, Washington, D. C.:

Re your letter please be advised as long as I can remember I know of no lynching in this State. It is our hope and trust that we may keep this record clear.

CLYDE TINGLEY, Governor.

The next one is from the Governor of Alabama, is addressed to me, and reads as follows:

MONTGOMERY, ALA., January 15, 1938.

Senator KENNETH DOUGLAS MCKELLAR,
Senate Office Building:

No violation of the laws either of God or man has shown such marked decrease in recent years as has lynching. Especially in the South. I served 4 years as Governor of Alabama from 1927 to 1931, during which term one, and only one, prisoner was taken out of the custody of the law and lynched. Within 48 hours, as Governor, I had ordered the court to immediately convene and prefer charges of impeachment against the delinquent officers. This was promptly done, whereupon the sheriff and solicitor forthwith resigned. During the 3 years of this term, '34-'38 one such crime has been committed in Alabama. I directed the attorney general to bring impeachment proceedings against the sheriff in the supreme court of this State, which has original jurisdiction in such case, and after full hearing that court acquitted the sheriff. There is no field in which the activities of the sovereign States of the South have been so active and so effective as this field. There is no motion back of this movement for an antilynching bill save a political "sop," and, if successful, it will prove a greater boomerang to minorities in America than anything that has transpired in our history. The trend of facts conclusively proves that the safety of

these minorities lies in the sovereignty of their home State. The friends, with both head and heart, of every minority should have the courage to stand for the unhampered sovereignty of the home State of every minority. A pyrrhic victory in this political crusade will inevitably jeopardize every minority that needs the protection of those of its home. I pray that the God of all colors and creeds may give to those in power the courage to say "no" to any plea to array anyone against the other.

BIBB GRAVES,
Governor of Alabama.

I received a letter from the Governor of the State of South Carolina, which reads:

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, January 14, 1938.

Senator KENNETH MCKELLAR,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR MCKELLAR: I appreciate very much the copy of the antilynching bill you sent me.

During my administration as Governor of South Carolina, which has been for a little more than 3 years, there has not been a single lynching in South Carolina. For this and many other reasons, I do not believe that it would be for the best interest of the United States to pass a Federal antilynching law.

We have a law in South Carolina that gives to the relatives of a person lynched \$2,000, to be paid by the county in which the lynching occurs. I have called out the National Guard in my State several times to protect people from being lynched and I have received several persons into the penitentiary for safekeeping in order to keep lynching from being permitted.

I fear that if the Federal Government passes an antilynching law the States in the Union will not take as much interest in the matter as they are doing at the present time, which will result in increased lynchings.

As long as it is a duty of the State, I intend to try to keep my record 100 percent against lynching in South Carolina; but should the Federal Government take charge of the situation, then I will have a tendency to feel that I have been relieved of this duty. I have gone probably farther than the law and the constitution in my State demand in calling out the National Guard and permitting people to be placed in the penitentiary before their trial, but I have done this in order to prevent lynchings. Should the Federal Government take charge, I am not saying that I will fight as hard to prevent lynchings.

On the other hand, I believe that should the Federal Government step in, it will have the tendency to have more horrible crimes committed than at the present time, due to the fact that some people may think that the Federal Government is protecting them.

For the good of preventing lynchings in the United States, I believe it for the best interest of the people to let the States handle this matter.

With all good wishes and kind personal regards, I am,

Sincerely yours,

OLIN D. JOHNSTON, Governor.

A telegram received by me from the Governor of North Carolina reads as follows:

RALEIGH, N. C., January 11, 1938.

Senator KENNETH MCKELLAR,
Washington, D. C.:

North Carolina has not had a lynching for several years. We always take every precaution to avoid violence and shall continue to safeguard the rights of all the citizens and give full protection to all persons charged with crime and provide both for their safety and for a fair and impartial trial without regard to race or color. There is no justification for the passage of a Federal law relating to lynching.

CLYDE R. HOEY,
Governor of North Carolina.

I next read a letter from the Governor of Kentucky:

COMMONWEALTH OF KENTUCKY,
EXECUTIVE CHAMBER,
Frankfort, January 11, 1938.

HON. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR MCKELLAR: Thank you for sending me the antilynching bill.

I am glad to report that we have not had a lynching in this State for several years. I will, of course, do everything in my power to prevent this form of law violation as long as I am Governor.

With cordial good wishes, I am,

Faithfully yours,

ALBERT B. CHANDLER, Governor.

The next is a telegram from the secretary of state of Texas, at Austin, Tex.:

AUSTIN, TEX., January 13, 1938.

Senator KENNETH MCKELLAR,
Senate Chamber:

Referring your telegram to the Governor of Texas. This State had no lynching last year and I think 99 percent of our people are opposed to it. The State ranger force and State police have stand-

ing orders when the slightest occasion arises to go to the community affected and take every step to prevent any chance of a lynching.

EDWARD CLARK, *Secretary of State.*

The next is a telegram from the Governor of the State of Tennessee and is addressed to me:

NASHVILLE, TENN., January 12, 1938.

Hon. KENNETH D. McKELLAR,
United States Senator:

Your favor January 8 has been received, and I thank you for bringing this to my attention. It is a pleasure to go on record as approving the stand taken by the Senators who are opposing the antilynching bill. As Governor of the State of Tennessee I have done and shall do everything in my power to prevent the occurrence of these unfortunate lawless incidents. Last year one such occurrence unfortunately happened in our State. It struck so suddenly that there was no opportunity for the State to intervene. Immediately upon it I issued the following statement: "It seems that on an occasion last week in Tipton County, in flagrant violation of law and order, certain individuals, unknown as yet, seized one Alfred Gooden who was in the lawful possession of the sheriff as a prisoner and lynched him. This is an offense against the name and decent feelings of our State. The station of the individual and the character of the offense he may have committed make no difference on this crime against society. I condemn the act in the strongest possible terms and state that Tennessee thoroughly despises and condemns this form of lawlessness. In order to be of the utmost possible assistance in bringing to justice those who were guilty of this heinous offense, under the authority given me by the code of my State, I hereby offer the maximum reward of \$5,000 to anyone tendering that assistance to the authorities of our State that will lead to the apprehension and conviction of said individuals. And I further pledge every other cooperation I can give to the prosecuting authorities in bringing them to justice." This will continue to be my position.

GORDON BROWNING,
Governor of Tennessee.

Mr. DIETERICH. Mr. President—

Mr. McKELLAR. Just a moment. I have also a telegram from the Governor of Arkansas, sent from Little Rock, Ark., which reads:

You may rely upon every law-enforcement agency in the State—

Mr. DIETERICH. Mr. President—

Mr. McKELLAR. I will yield in a moment.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. McKELLAR. Just a second. The telegram from the Governor of Arkansas reads as follows:

LITTLE ROCK, ARK., January 10, 1938.

Hon. KENNETH McKELLAR,
*Chairman, Committee on Post Offices and Post Roads,
United States Senate, Washington, D. C.:*

You may rely upon every law-enforcement agency in the State of Arkansas, including local officers, State and county police, to exert every effort to prevent any lynching in the State of Arkansas. This is in reply to your letter of January 8.

CARL E. BAILEY, *Governor.*

Mr. DIETERICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. McKELLAR. Just a moment. I have presented communications from every single Southern State showing what the responsible authorities of those States think about the situation. Pass this bill and the cause of law and order in this country will be seriously injured by taking away the jurisdiction that now belongs to the proper local officials. I now yield to the Senator from Illinois.

Mr. DIETERICH. May I ask the Senator from Tennessee were the persons who perpetrated the lynching in his State convicted?

Mr. McKELLAR. Which State?

Mr. DIETERICH. The State of Tennessee.

Mr. McKELLAR. When?

Mr. DIETERICH. Did not the Senator read a letter from the Governor of Tennessee?

Mr. McKELLAR. Yes; I did.

Mr. DIETERICH. In which he strongly condemned the crime of lynching?

Mr. McKELLAR. Yes; and offered a \$5,000 reward for the perpetrators of the crime.

Mr. DIETERICH. I ask the Senator were any perpetrators of that lynching apprehended?

Mr. McKELLAR. I do not know.

Mr. DIETERICH. Then, if it be true that the Governor condemned it and offered a \$5,000 reward, and yet the lynching took place and nobody was convicted, that is pretty conclusive evidence, is it not, that the sole protection of the Constitution is not accorded people in Tennessee?

Mr. McKELLAR. No; it is not true at all. Everyone who knows anything about such acts of violence knows that that is not true at all. As a matter of fact, the Governor of Tennessee and the Governors of each one of the other Southern States have shown by the telegrams and letters read by me that they are going to do everything in their power to prevent lynching, and they have been doing it, and they have been doing it with masterly effect, while in the State of Illinois—

Mr. DIETERICH. Mr. President—

Mr. McKELLAR. Wait a moment; I wish to answer the Senator's question. While in the State of the Senator from Illinois—and I have the figures here—

Mr. DIETERICH. I might suggest—

Mr. McKELLAR. Wait a moment; I have the floor. In 1932 there were 534 murders in the Senator's State; 110 persons charged with murder were convicted; 135 were discharged, acquitted, or the cases against them were nol-prossed, and in 289 cases the murderers were not even arrested. Yet the Senator talks about one incident in my State.

During the same year there were 141 crimes of rape committed in the Senator's State. There were 50 convictions for such crimes; in 42 instances the charge was nol-prossed, and 48 rapists in the Senator's State were not even arrested.

Mr. DIETERICH. Mr. President—

Mr. McKELLAR. I will let the Senator come in in a moment. In 1934—

Mr. DIETERICH. I wish to make a timely suggestion.

Mr. McKELLAR. Never mind the timely suggestion. I will give the Senator the facts. This is a serious matter.

Mr. DIETERICH. I understand; but the Senator was afraid the other day—

Mr. McKELLAR. Wait a moment; I will yield to the Senator. He need not be bothered. I will yield to him.

The PRESIDING OFFICER. The Senator from Tennessee declines to yield.

Mr. McKELLAR. In 1934 the number of murders in the Senator's State had increased from 534 to 561, for which there were 123 convictions, about 1 in 5; in 181 cases the charge was nol-prossed; and in 157 cases the murderer was not even arrested.

Mr. DIETERICH. Now, Mr. President—

Mr. McKELLAR. The Senator has got to wait.

The PRESIDING OFFICER. The Senator from Tennessee declines to yield.

Mr. McKELLAR. In 1934 there were 182 crimes of rape committed in the Senator's State, the number having increased from the year 1932, when it was 141. For these crimes there were 63 convictions, the number of convictions having increased in about the same ratio as the number of cases of the crime of rape; 98 were nol-prossed, or discharged, and 21 were not even arrested in the Senator's State.

Mr. DIETERICH. Mr. President—

Mr. McKELLAR. The Senator has a right to interrupt me, of course, and to ask about one crime in Tennessee, although the number of crimes in his State is so much greater that it comes rather with ill grace, as it seems to me, from the Senator to refer to the matter. I now yield to him.

Mr. DIETERICH. I just want to suggest to the Senator what he suggested to me the other day.

The PRESIDING OFFICER. The Senator from Louisiana has the floor. Does he yield to the Senator from Illinois?

Mr. ELLENDER. I yield.

Mr. DIETERICH. I want to suggest to the Senator from Tennessee what he suggested to me the other day. He was

afraid that I might probably have a stroke of apoplexy. I do not want him to become too enthusiastic in discussing this question for fear he might be subject to such an attack.

Mr. McKELLAR. I am not going to be subject to such an attack. I have the facts and the record here from the various States.

Mr. DIETERICH. Will the Senator answer a question?

Mr. McKELLAR. I will answer any question concerning a matter which I know about.

Mr. DIETERICH. Of the eight cases of lynching that the Senator knows of, can he name any person that was convicted of the crime of lynching?

Mr. McKELLAR. I cannot at this point, because I merely know that the number of persons lynched last year was eight.

Mr. DIETERICH. The Senator has looked into the question of crime in my State—

Mr. McKELLAR. Let me ask the Senator if he can give us the facts about the eight cases of lynching?

Mr. DIETERICH. Yes; I can answer that question. Not one single person was convicted.

Mr. McKELLAR. We will look into the matter and see as to that.

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. DIETERICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield.

Mr. DIETERICH. Since the Senator from Tennessee is so much interested in the crime record of Illinois, can he tell me what the crime record of his State is in reference to the various other crimes, or are they nonexistent there?

Mr. McKELLAR. It is less than one-tenth of the crime record in the Senator's State.

Mr. DIETERICH. Yes; and the population of Tennessee is less than one-tenth the population of Illinois.

Mr. McKELLAR. Oh, no—oh, no!

Mr. DIETERICH. It is about that.

Mr. McKELLAR. How many persons are there in the State of Illinois?

Mr. DIETERICH. About 7,000,000.

Mr. McKELLAR. We have nearly 3,000,000 in Tennessee, so the Senator sees the difference. A dozen times as many persons have been murdered and raped in Illinois as in Tennessee.

Mr. DIETERICH. Let me ask the Senator from Louisiana a question.

Mr. McKELLAR. I have not finished. Will the Senator from Louisiana yield to me to finish? Then I will yield the floor back to him.

Mr. ELLENDER. I yield to the Senator from Tennessee.

Mr. McKELLAR. I ask the Senator from Illinois to pardon me for a minute.

Mr. President, these letters and telegrams, and the facts and law already adduced in this debate, show there is but one way in all the world to deal with lynching in this country, and that is through State authority, where the problem constitutionally belongs.

Just as Governor Johnston, of South Carolina, says, and just as I have said before in the debate, the passage of this bill will tend greatly to increase lynching in this country. It is wholly unnecessary. It is wholly unjustified. It is a direct slur and a malicious outrage aimed at certain States of the Union and at their officials. I do not believe there is an unbiased man in the Senate who, after reading the letters I have written and the telegrams and letters I have received from the various Governors, will not admit in his heart, anyway, whatever may be his vote, that the State authorities are the only ones who can cope with this crime.

I further believe that no unprejudiced Senator will say that up to this date the States have not made splendid progress in dealing with this crime. They have made more progress than the National Government could possibly make. So strongly do I believe this that I am going to offer a concurrent resolution as a substitute for this bill, which, when

I have read it, I shall ask to have printed and lie on the table.

At this time, with the further consent of the Senator from Louisiana, I should like to read the concurrent resolution to which I refer. It is short. It is to be offered as a substitute for the entire bill and reads:

Whereas the several States have made most remarkable records in reducing the crime of lynching, having lessened the number of white persons lynched from 160 in 1884 to none in 1934 and none since that year, and having lessened the number of colored persons lynched from a peak of 231 in 1892 to 8 in 1937; and

Whereas the crime of lynching is the only crime in either State or Federal jurisdiction which has been steadily reduced in the United States in the periods mentioned; and

Whereas in recent years the records show that the Governors of States, the sheriffs of counties, and other local officials having custody of prisoners have been unusually vigilant in saving the lives of prisoners within their jurisdiction and within their custody; and

Whereas many of the Governors of the States where the crime mentioned has occurred in the past have in writing declared that jurisdiction of this crime is vested exclusively in the States, and have expressed themselves as of the opinion that Federal legislation supervising the crime would be unconstitutional, and in addition if passed would tend very greatly to increase the crime of lynching; and

Whereas said Governors have committed themselves in writing to use their best efforts further to decrease this particular crime in 1938 and in succeeding years; and

Whereas it is the opinion of the Congress that the several States do have full and exclusive jurisdiction to deal with the crime of lynching, and that the officials of the States are sincerely and honestly doing their full duty with reference thereto, and that they will continue to do so; and

Whereas, having every confidence in their State governments and in their State officials to deal with this crime, especially in view of the splendid record made in the last few years in reference thereto: Now, therefore, be it

Resolved by the Senate of the United States (the House of Representatives concurring), That the Congress congratulates the several States, their Governors, sheriffs, and other local officials on their excellent records in reducing the number of lynchings in the United States, and bids them Godspeed in further reducing this crime, and believes that the several State governments will soon extirpate it entirely, and it joins the Governors of the several States and all other law-abiding citizens in the United States in the sincere hope and belief that there will be no lynchings in 1938 and none in the years to come.

Mr. President, after mentioning one other matter, I shall return the floor to my friend from Louisiana.

I have read these telegrams and letters from the Governors of the Southern States. I am going farther away to give the Senate an opinion. It comes from the Sunday Boston Herald of January 16, 1938. It is an editorial from Boston, Mass., and reads as follows:

GOOD INTENT—BAD BILL

The vast majority of the American people, South as well as North, abhor lynching. For 30 years a campaign for the adoption of an antilynching law has been carried on. The bill now pending in the Senate admittedly will pass if it can reach a vote. It has passed the House, but southern Senators are using the same filibustering tactics against it which prevented a vote in both the regular and the special sessions last year. The measure has the support of numerous humanitarian and reform organizations, secular as well as religious. It is a serious question, nevertheless, whether the bill ought to pass.

This Wagner-Van Nuys bill provides that a person injured, or the heirs of a person killed, by a mob may bring suit in a Federal court against the county or other State subdivision responsible and recover damages of from \$2,000 to \$10,000. An officer permitting a prisoner to be taken from his custody would be subject to \$5,000 fine, a 5-year prison term, or both. The bill defines a mob as three or more persons who take from an officer a prisoner suspected of, charged with, or guilty of a crime and injures or kills him.

The more one studies the bill the more doubtful he becomes of its wisdom. It is quite possible that local officials, knowing the reactions of their neighborhoods to certain crimes, would fail to make arrests and simply "look the other way" instead of taking a suspect into custody.

Can and will the South end the horror against which this bill is directed? The unanimous reply of southern public men is in the affirmative.

I digress here long enough to say that we have the most substantial reason in the history of our Government for taking the position in the affirmative; namely, as Mark Sullivan said the other day, that the crime of lynching has become the rarest of all crimes. It is the only crime in the

country which has been reduced in numbers during the past 50 years.

I continue reading:

Statistics strongly support their contention. The downward trend has not been uniform, but, despite waverings, the figures show 231 lynchings in 1892, 20 in 1935, 9 in 1936, 8 last year. It has been said in the Senate that lynching is the only crime that is not increasing. Nor should it be overlooked that many Southern States have passed antilynching laws.

There is a larger and even more important aspect of the matter to consider. Many students of our constitutional system agree with Senator BORAH that this plan would give aid and encouragement to those who want to obliterate State lines and centralize everything in Washington. Any measure that permits the National Government to prosecute in the United States courts a local officer on the ground that he has not performed properly his State or county duties is open to the charge that it violates the rights of the States. Even if it does not, based as it is on the fourteenth amendment, the question of the wisdom of legislation which, as Senator BORAH puts it, would remove "the last vestige" of local authority, remains to be considered.

What is done in the case of one crime could be done in respect to all. In a country so vast and diversified as ours, would it not be a dangerous precedent to call on the General Government to solve a local problem?

Mr. President, whatever may be said about the southern Governors—and I believe all of them are telling the truth when they say they will do everything within their power to obliterate and extirpate this crime absolutely—here is a message from old Massachusetts, from New England, from one of the oldest communities in the United States; and I ask Senators to think seriously about the statements made in it.

I thank my distinguished friend from Louisiana for allowing me to put in these telegrams, these letters, this editorial, and this concurrent resolution which I hope is to be a substitute for the pending bill, which up to this time no Senator has defended.

Mr. DIETERICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield to the Senator from Illinois.

Mr. DIETERICH. I should like to ask the Senator from Tennessee a question.

What is the population of Memphis, Tenn.?

Mr. McKELLAR. Three hundred and six thousand persons.

Mr. DIETERICH. Does the Senator know how many murders were committed there as compared with the city of Chicago?

Mr. McKELLAR. There were entirely too many, but there were not as many in comparison as there were in Chicago—not one-tenth as many. Incidentally, there were relatively more convictions in Tennessee than there were in Chicago.

Mr. DIETERICH. Mr. President—

Mr. McKELLAR. Wait a minute. I am answering the question. The Senator has asked me a question.

In 1932 there were not 289 murderers not arrested in my State, and there were not 48 persons not arrested in my State for rape. In 1934 there were not 257 persons not arrested for murder and 21 not arrested for rape in my State. I am willing to compare figures with the Senator from Illinois as long as he desires.

Mr. DIETERICH. That is what we are going to do now for a little while, if the Senator from Louisiana will give us the time. I am talking of 1935.

In the United States Government Study of Crime and Criminal Conditions, of the number of crimes reported to the police of the various cities, it appears that in Memphis, Tenn., in 1935, there were 80 murders—

Mr. McKELLAR. How many convictions were there?

Mr. DIETERICH. This volume does not give the number of convictions.

Mr. McKELLAR. Oh!

Mr. DIETERICH. Just a moment; let me finish.

Mr. McKELLAR. The Senator ought not to read part of the statistics and leave out the other part.

Mr. DIETERICH. There were 80 murders in Memphis as against 243 in Chicago, which has a population of 3,000,000 as against 300,000 in Memphis.

Mr. McKELLAR. The Senator has asked me a question.

Mr. DIETERICH. I am not asking a question at this time.

Mr. McKELLAR. The Senator has asked me a question, and I am answering it. It is remarkable that in the year 1932 there were 534 murders in the State of Illinois, and in 1934 there were 561, and in the intervening year there were only the number the Senator reads.

Mr. DIETERICH. Mr. President, the record shows that in Memphis, Tenn., there were 797 aggravated assaults, whatever that may be, as against 1,700 in Chicago, although Chicago has a population 10 times as great as that of Memphis. A study of the entire table shows that the Senator was walking on rather thin ice when he was holding up Chicago as a horrible example, when in the metropolitan city in which the Senator lives there were 506 robberies as against 10,177 in Chicago.

Mr. McKELLAR. I am surprised that the number of arrests for robbery in Chicago is reported. I never knew that in Chicago people were arrested for robbery. [Laughter.]

Mr. DIETERICH. They seem to be.

Mr. McKELLAR. There are not many arrests; the number of arrests is inconsequential.

Mr. DIETERICH. They seem to be reported, and if there is a desire to hold up horrible examples of a city having a criminal element that violates the law, Memphis, Tenn., is not so pure. I do not think the Senator ought to grow eloquent in the matter.

Mr. SCHWELLENBACH. Mr. President—

Mr. ELLENDER. I yield to the Senator from Washington.

Mr. McKELLAR. There is just this difference between Tennessee and Chicago: When murders or other crimes occur in Memphis, we arrest the criminals and indict them and convict them and punish them, but that is not done in Illinois.

Mr. DIETERICH. Mr. President, if the Senator from Louisiana will yield further, will the Senator from Tennessee tell me how many convictions there were in Memphis in 1935?

Mr. McKELLAR. I could not say, but I will get the figures and give them to the Senator.

Mr. DIETERICH. Is it not a fact that there were about half a dozen in 1935?

Mr. SCHWELLENBACH. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. SCHWELLENBACH. I should like respectfully to suggest to the Senator from Illinois that he recall to his mind the efforts he made during the latter part of the last session to encourage controversy between the present occupant of the chair [Mr. JOHNSON of Colorado] and myself when certain remarks were made by the present occupant of the chair concerning the city of which I was formerly a resident; and I recall to his mind that probably someone might be suggesting a method of settling the controversy between himself and the Senator from Tennessee similar to the method he suggested at that time, and probably we had better stop this talk about the difference between Chicago and Memphis.

Mr. McKELLAR. I am perfectly willing to state to the Senator from Illinois the relative number of crimes committed, and certainly the relative number of crimes for which punishment is meted out in his State and in my State. I know Tennessee has an attorney general who does his duty, and criminals are punished in my State.

Mr. DIETERICH. Mr. President, will the Senator from Louisiana yield further?

Mr. ELLENDER. I yield.

Mr. DIETERICH. I am glad there is such a competent attorney general in Tennessee. We also have an excellent attorney general in Illinois, who does his duty, and the whole corps of law enforcement officers, from the attorney general and the State's attorney down, do their duty.

I wish to ask the Senator from Louisiana a question, recalling to his mind the eloquent address he made concerning the extension of slavery to the North. At the time I

was somewhat rusty in my history, not having had occasion to review it. He said something to the effect that Illinois might have had slavery, but that the agricultural interests there found it was not profitable. Since that discussion I have had occasion to refresh my memory of history, and I wonder if the Senator realizes that the Ordinance of 1787 was adopted before the Constitution of the United States was adopted.

Mr. ELLENDER. The Ordinance of 1787?

Mr. DIETERICH. I refer to the Northwest Territory. Slavery was excluded from that Territory. I wonder if the Senator remembers Thomas Jefferson's attitude toward slavery. It might be well to put that in the Record.

Mr. ELLENDER. I will reach that soon.

Mr. DIETERICH. If the Senator does not reach it I will assist him in the matter.

Mr. ELLENDER. I will get to it and also state Jefferson's opinion as to whether the races should be amalgamated or separated. Thomas Jefferson concluded that the two races could not live under the same Government. I will get to that.

Mr. DIETERICH. Mr. President, will the Senator yield further?

Mr. ELLENDER. Yes.

Mr. DIETERICH. Does the Senator realize that Thomas Jefferson tried to have a limitation on slavery adopted in the Federal Constitution, which lost by one vote?

Mr. McKELLAR. In what?

Mr. DIETERICH. In the Constitution.

Mr. McKELLAR. Thomas Jefferson was not even a member of the Constitutional Convention. [Laughter.]

Mr. DIETERICH. I beg pardon—

Mr. McKELLAR. The Senator has his dates and history confused.

Mr. DIETERICH. No; I have not my dates confused in regard to that. I meant to say it was introduced in the Congress which met after the adoption of the Constitution.

Mr. McKELLAR. Thomas Jefferson was Ambassador to France when the Constitution was adopted, and did not return to the United States until long afterward.

Mr. DIETERICH. Let me read, if the Senator will, from James Ford Rhodes' History of the United States, page 15:

With the end of the war and the ratification of the peace with Great Britain, it became the duty of Congress to establish a government for a large extent of the ceded territory not comprised within the boundaries of any of the 13 States. In 1784, Jefferson reported an ordinance that provided for the prohibition of slavery after the year 1800 in all the western country above the parallel of 31° north latitude. This proposed interdiction applied to what afterward became the States of Alabama, Mississippi, Tennessee, and Kentucky, as well as to the Northwestern Territory.

To his sorrow and lasting regret, this antislavery clause was lost by one vote. "The voice of a single individual," Jefferson wrote 2 years later, "would have prevented this abominable crime. Heaven will not always be silent; the friends to the rights of human nature will in the end prevail." In truth, the friends of human rights gained an important victory in the enactment of the Ordinance of 1787, which was a substitute for the Jefferson Act of 1784, differing from it, however, in that slavery was immediately prohibited, and in that it only applied to the Northwestern Territory, which later became the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and a part of Minnesota.

I merely wanted to get that in the Record, so that the Senator would have it before him while he was delivering his essay on the virtues of human slavery and how it elevated the colored people.

Mr. ELLENDER. Of course, the Senator from Louisiana never took the position that Jefferson favored slavery.

Mr. McKELLAR. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. McKELLAR. The Senator from Illinois had a good deal to say about the crime record of Memphis. Everyone knows that Memphis is in the southwestern portion of Tennessee, right on the Mississippi River, and on the Illinois Central Railroad, which comes direct from Chicago, and when there is a shooting in Arkansas, or Mississippi, or Illinois, or Tennessee, within a radius of probably 100 miles,

if the culprit can catch a train, or a boat, even, coming from Chicago, he comes to Memphis. Therefore, Memphis is charged not only with the crimes committed in Memphis, but is charged with the crimes committed within a radius of probably 100 miles. Judging from the figures I have just read, there were 561 murders in Illinois in 1934, and in 257 of the cases the murderers were not even arrested. Perhaps those who were not arrested went to Memphis to see how they could get along there. While many murders may be charged to Memphis, I may say that no city in the country has a better record for indicting, trying, and convicting those who are guilty of murder than has the city of Memphis.

Mr. DIETERICH. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. DIETERICH. I call the attention of the Senator from Tennessee to something which it might be necessary to explain. The Senator said the population of Tennessee was 3,000,000.

Mr. McKELLAR. No, I did not; I said 2,600,000.

Mr. DIETERICH. The population of Illinois is something over 7,000,000. The peculiar thing is that in the last election for Senator in Illinois there were cast 3,794,664 votes, and in the State of Tennessee 360,184 votes were cast. I wonder why they are so indifferent to their right of franchise in Tennessee?

Mr. McKELLAR. They are not indifferent. Colored people vote in Tennessee just as they vote in Illinois, perhaps not in such enormous number, and perhaps in Tennessee the real colored people cast the votes. I do not know why there is such an enormous vote in Illinois. The idea of three-sevenths of the entire population voting is a remarkable thing, and I do not think that occurs in any other State.

Mr. CONNALLY. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. CONNALLY. Is the Senator speaking of those who actually vote in Tennessee, or those who are counted in Illinois?

Mr. McKELLAR. I do not know which it is. From the figures presented by the Senator from Illinois, it looks as though they count some of them from Tennessee. I am sure that in no other State in the Union do three-sevenths of the entire population vote. In the first place, over half of the population of every State is composed of people under 21 years of age. That takes care of one-half of it, and the idea of three-sevenths of the entire population voting—I think there ought to be an investigation into the voting in Chicago and Illinois. [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator yield to me in that connection?

Mr. ELLENDER. I yield.

Mr. BARKLEY. There is no reflection on either Illinois or Tennessee because of the difference in the size of the senatorial vote. Illinois is a close State, and of course everyone turns out to vote. In Tennessee, when the senior Senator from Tennessee [Mr. McKELLAR] gets a nomination, everyone concedes his election, and many of the people do not take the trouble to go to the polls and vote, because it is unnecessary. That would account for some of the difference.

Mr. DIETERICH. I accept that explanation. I think perhaps the Senator from Kentucky is correct. That did not occur to me.

Mr. McKELLAR. I thank the Senator for his kind words. [Laughter.]

Mr. DIETERICH. I hope the Senator will apologize to me about what he said in regard to Illinois, because we watch the polls very closely. We have a very close division on political issues, and we watch the polls closely and try to get out all the voters.

Mr. CONNALLY. Why is it necessary to watch the polls so closely in Illinois? [Laughter.]

Mr. DIETERICH. It is not necessary to watch them so closely, except to get the voters out and to get their votes in the ballot boxes.

If the Senator from Louisiana will yield for a further question—

Mr. ELLENDER. I yield.

Mr. DIETERICH. What are the election laws in Louisiana. Will the Senator enlighten us a little and tell us what they are? What are the qualifications of a voter in Louisiana?

Mr. ELLENDER. We have what we call a white primary, in which none but white people participate.

Mr. DIETERICH. That answers my question fully and I had that suspicion. They have no particular laws. They just let those vote whom they want to vote.

Mr. ELLENDER. We do things in the open in Louisiana; we do not try to hide our intentions; we are genuine. There is no camouflage.

Mr. McKELLAR. Our good and smiling friend from Illinois stated a while ago to the Senator from Louisiana that he was going to assist him in his speech by asking questions. I hope the Senator will accept that assistance from the Senator from Illinois. In my judgment, the help he has already given me in bringing out the facts has been of wonderful assistance to us all in solving the question before us, because I think he has shown clearly that the bill now before the Senate should not be passed.

Mr. DIETERICH. Mr. President—

The PRESIDING OFFICER (Mr. BROWN of Michigan in the chair). Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield.

Mr. DIETERICH. I wish to thank the Senator from Tennessee for his compliment and to assure him that I will render him all the assistance I possibly can.

Mr. McKELLAR. That is fine. I shall be glad to receive it whenever it may be offered.

Mr. DIETERICH. I will say to the Senator that my assistance will not have the effect of tending to delay the matter as long as he thinks it will be delayed. I shall assist in seeing that the matter will be closed soon.

Mr. McKELLAR. It will not be delayed longer than the Congress stays in session, anyhow.

Mr. ELLENDER. Mr. President, when I was interrupted by the Senator from Tennessee—and I will say I was very glad indeed to be interrupted by him—I was reading from chapter II of the book *Race or Mongrel*, by Alfred P. Schultz, in an effort, generally speaking, to show how the mixture of the white race with another race, particularly the colored race, leads to a deterioration of the race and, finally, results in what I tried to show earlier in my argument, a deterioration of the civilization of the race affected.

Mr. McKELLAR. Mr. President, will the Senator yield to me merely to make a correction?

Mr. ELLENDER. I yield.

Mr. McKELLAR. As I understand, I have not formally asked that the amendment which I offered as a substitute be printed and lie on the table, and I now ask that that be done.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. ELLENDER. This book, to which I have just referred, contains chapters devoted exclusively to the deterioration of specific races. For instance, there is a chapter on the Egyptian race, a chapter on the Hindu race, and chapters on other races. But for the moment I will pass over that part of the book and read now from a book entitled "White America" by Earnest Sevier Cox, emphasizing the conclusions reached in the chapter that I read from *Race or Mongrel*, by Schultz. At page 18, Mr. Cox states:

Both for scientific observation and for practical dealing with the color problem we must accept the races as such, hopelessly differentiated from each other and conditioned to development in accord with their respective instincts and tendencies. Practical politics no more than scientific research may ignore organic race traits. To do so is to bungle affairs hopelessly, as has been done in many parts of the world during the past century. We cannot act toward the Negro as if he were a white child, for he is not a white child, but a full-grown black, whose hope for the future lies in his

development of himself as a Negro, and not in his pathetic and ludicrous aping of the white man.

We cannot ignore race. It is written large in human history. It has left its visible trace upon every continent. We may specify a single race that biologically is but a portion of mankind, but by virtue of race instincts and capacities has contributed all the higher human achievements. This race, the white race, has not had advantage over other races in time, climate, country, or other environment, but to its fertile brain and restless activity humanity owes its all. From our knowledge of history, we are safe in assuming that if the white race were effaced from the earth, civilization, as we know it, would perish. The cultural debt of the colored peoples to the white race is such as to make the preservation of the white race a chief aim of the colored, if these latter but understood their indebtedness. By keeping the white man white, the colored may look forward to a future in which they may enjoy cultural surroundings superior to their own racial contributions.

The inventions of the white man are to become world possessions. This is so at present, has been so in the past, and apparently is to continue to be so. The insane desire of the colored to blot out the color line and bridge the evolutionary chasm between the races by the process of interracial marriage ignores the fact that the white race as white is the source of progress. That the colored races should seek to "kill the goose that lays the golden egg" is further proof that their inferiority, demonstrated so clearly in cultural attainments, extends to their rational processes in general.

While the future of the colored races is concerned so deeply with the purity of the white, we are not for a moment to consider it proper to permit their judgment to determine whether the white is to remain white. This is a question for the white to decide, but it would seem that light from history on this matter ought to reach even the mind of the colored. The white man founded the cultures of Egypt and India and eventually interbred with his colored subjects, leaving a mixed population heir to the culture of the pure white. With what result? Arrested development. Stagnation. This is light from history that should penetrate the densest intellect. The African Negro was raised from a brutelike condition by white Egypt; what influence for good has mongrel Egypt had upon the Negro? The African Negro's knowledge of the present civilized arts has come from the pure whites of Europe, not from the mixed whites contiguous to his domain.

While science may deal with experience only and may not take authoritative cognizance of events that have not happened, yet the results of experience are all that we have from which to construct a program for the future; and in this respect it may be said that a program for the future based upon experience is a program based upon science. The light of experience will reveal that, regardless of the consequence, the colored races will gladly avail themselves of opportunity to interbreed with the white; and if the white is to remain white, since that race is now in contact with all races, such result shall depend entirely upon the attitude of the white man. A gloomy consideration with regard to this matter is that 60 centuries of race history have proved that the white man has at no time or place remained white when in prolonged contact with colored races.

This, then, is the essence of the color problem—the difficulty of preserving the culturally fit when in contact with the culturally unfit. There are, incidental to race contact, economic and political problems which are constantly manifest; but the fundamental problem is to preserve the breed from which progress issues.

I have read to the bottom of the second paragraph on page 21, and now I will skip a few pages and go to page 24, and read:

In this general introduction the author cannot refrain from calling attention to a matter that should greatly clarify the white man's attitude to the color problem, namely, that a most disturbing phase of the problem is not in reality a part of the problem of color but is incidental to it, arising from a difference of opinion among groups of the white race as to the proper attitude of the white man toward the colored. Such division among the whites cannot but work harm to the white man, and certainly it has never worked permanent advantage to the colored. Any seeming advantages the colored races have derived from intergroup conflicts within the white race concerning the colored are merely temporary and do not have substance. The results of such conflicts have not extended to the evolutionary differentiations between the races. But they have promoted blood admixture of the races; and by so doing, created a type divergent from the parent races. Possibly it is necessary only to point out the geographical demarcations of those groups of the white race which have come into conflict regarding the colored in order to show that such difference of opinion and policy is temporary and is not to abide.

A study of the world-wide color problem during the past eight or nine decades will reveal the white race divided into two schools of teaching with regard to a proper attitude toward the colored. One school is constituted generally of those portions of the white race that live apart from the colored, while the other school is made up of those portions of the white race that live in contact with the colored. The whites who dwell apart from the Negro have advocated one policy toward the Negro, while those whites who dwell with the Negro have advocated another

policy. There is a general agreement among the whites who live apart from the Negro, whether these whites live in Europe or in America. There is also a general agreement among the whites who live in contact with the Negro, whether these whites live in the Southern States of the American Union, in the European colonies of Africa, Asia, Australasia, or in Latin America.

The teachings of the whites who live apart from the Negro have placed great emphasis upon environment, rather than upon race and heredity, whilst those whites who live in daily contact with the colored races are agreed that there is a difference between the white and the colored which cannot be bridged by present environment and that the development of the various races is conditioned by their respective race traits and tendencies.

It is safe to prophesy that there will be no further serious—certainly not armed—conflicts between the white groups over the colored races, for the perilous position of the white race in the world of today and tomorrow will compel that race to seek race unity, rather than division, which can only weaken the white man and artificially elevate the colored. Furthermore, there is an increasing tendency on the part of the whites who dwell apart from the colored to recognize that race traits and tendencies not only permanently adhere to the races but that such potentialities must be taken into consideration in the white man's dealing with the colored.

It may readily be seen that the Negro problem is a part of the greater problem of heredity. When eugenics seeks to eliminate the unfit and establish the fit it has for its purpose not the betterment of physical types merely, but the establishment of those types of greatest value to progressive civilization.

A race which has not shown creative genius may be assumed to be an unfit type so far as progress in civilization is concerned and is a matter of concern for the eugenicist. Those who seek to maintain the white race in its purity within the United States are working in harmony with the ideals of eugenics. Asiatic exclusion and Negro repatriation are expressions of the eugenic ideal.

Mr. President, I have concluded reading the general statement by Mr. Cox in regard to the mixture of the races. I have just been reading the statement on page 27, first paragraph. I now propose to deal with the problem as it affects a particular nation. I have made mention, in the course of my remarks at various times, of the manner in which the mixture of the colored race with the early Egyptian civilization affected that nation.

Mr. BARKLEY. Mr. President, I understand the Senator has not quite concluded his address?

Mr. ELLENDER. No, sir; I am not quite through.

Mr. BARKLEY. And that the Senator from Louisiana would prefer not to finish this afternoon?

Mr. ELLENDER. It will be agreeable to me, I may say to the Senator from Kentucky, to proceed tomorrow.

INAUGURATION OF SENATOR MOORE AS GOVERNOR OF NEW JERSEY

Mr. BARKLEY. Mr. President, on tomorrow one of our colleagues the very able senior Senator from New Jersey [Mr. MOORE] is to assume the responsibilities of Governor of New Jersey. It is not unusual for Governors to aspire to come to the Senate; it is unusual for a Senator to aspire to retire from the Senate to become Governor of his State. The Senator from New Jersey has, as we all know, been elected Governor of New Jersey, and on tomorrow he takes the oath of office, and assumes the duties of that office, duties which he has performed in the past as Governor of that State under two previous elections.

I am sure I speak the sentiments of the Members of this body on both sides of the aisle when I say that we regret his departure as a Member of the Senate, where he has evidenced a keen understanding of national problems, displayed marked industry, and shown great courtesy to his colleagues. I send to the desk a resolution, which I ask to have considered at the moment.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Res. 222) was read, considered, and unanimously agreed to, as follows:

Whereas, on tomorrow, January 18, the distinguished senior Senator from New Jersey, the Honorable A. HARRY MOORE, will retire from this body to become Governor of the State of New Jersey: Therefore be it

Resolved, That the Senate expresses its profound regret at the retirement of the Senator and congratulates him and the State of New Jersey upon his election as their chief executive.

The Senator, by his faithful discharge of duties and pleasing personality, has endeared himself to the membership of the Senate and they part with his companionship with regret.

The preamble was unanimously agreed to.

Mr. ADAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Colorado?

Mr. BARKLEY. I yield.

Mr. ADAMS. I made inquiry once or twice of the Democratic leader as to whether or not the wishes of, I think, a majority of the Senators could be concurred in who would very much like to pay a personal tribute to HARRY MOORE by attending his inaugural. As the Senator from Kentucky has said, many Governors aspire to come to the Senate; as a matter of fact, there are always a good many Members of this body, as the Senator from Kentucky knows, who are quite uneasy because of the ambitions of the Governors of their State to come here. It seems to me that when we have an instance of this character it might be well to show our appreciation of a Member of the Senate who is willing to sacrifice his place in the Senate in order to serve his State in the capacity of Governor.

We would have no hesitation, I will say to the Senator from Kentucky, if HARRY MOORE should be run over by an automobile, about taking a recess or adjournment; and I am just wondering whether the Senate of the United States in this unusual instance of this unusual man might not consider paying a tribute to HARRY MOORE by recessing for a day in order that many of us who should like to attend the inaugural ceremonies could do so. I may say to the Senator that, from my observations extending over some days, I am sure we would not miss a great deal if the debate which has been proceeding should be postponed for a single day.

Mr. BARKLEY. Mr. President, I hope the Senator from Colorado does not compare the prospective inauguration of our colleague as Governor of New Jersey with his being slain by an automobile, and that, therefore, we ought to recess.

Mr. ADAMS. Oh, no. I was only intimating that the only things we celebrate ought not to be misfortunes.

Mr. BARKLEY. I agree to that.

Mr. ADAMS. Sometimes we ought to celebrate the good things that befall our colleagues and not restrict our celebrations to their misfortunes.

Mr. BARKLEY. I appreciate the spirit in which the Senator from Colorado makes the suggestion; I myself would be most happy to attend the inauguration of Governor MOORE tomorrow, and I have been approached by Members of the Senate as to the probability as well as propriety of recessing over tomorrow in order to allow those who wish to do so to attend the inauguration. But, Mr. President, in view of the condition which now prevails in the Senate, and the delays which have occurred and which appear in prospect with reference to the legislative program, and in view of the fact that I doubt whether the country, under the circumstances, would approve of the Senate taking a holiday from its labors, even for so worthy a purpose, it has not seemed to me to be wise to recess or adjourn the Senate in order that those who want to go to Trenton tomorrow may do so. For that reason, I have to say, regretfully, that it does not seem advisable to attempt to do that.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Tennessee?

Mr. BARKLEY. I yield.

Mr. McKELLAR. I wish to take just a moment to express my very great regret that the Senate cannot adjourn or recess over until Wednesday so that Senators might attend the inaugural ceremonies of Governor MOORE. I do not think anyone who has come to the Senate in many years has endeared himself more to every Member of the Senate, without regard to party affiliation or any other affiliation, than has HARRY MOORE. He is a wonderfully fine man; he has a charming personality, he is a statesman of great ability, and he has made a most able Senator. It seems to me that it would be very fitting, indeed, if the Senate, in a body, attended his inauguration at Trenton tomorrow. I regret very much that the leadership cannot see it that way.

Mr. BARKLEY. I appreciate all that, and, as I have said, I am deeply pained at my inability to attend the inauguration, but, knowing the deep interest the Senator and soon-

to-be Governor of New Jersey has in the legislation now pending, I do not believe he himself would approve of a day's delay in its enactment by adjournment or recess in order to attend his inauguration.

Mr. CONNALLY. Mr. President—

Mr. BARKLEY. I yield to the Senator from Texas.

Mr. CONNALLY. I wish to say, speaking for a large number of Senators, that in case the Senator from Kentucky would agree to Senators attending the inauguration of Senator MOORE, we will undertake to see that no lynching takes place. [Laughter.]

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. BROWN of Michigan in the chair), as in executive session, laid before the Senate a message from the President of the United States submitting the nomination of Miss Gay B. Shepperson, of Georgia, to be State administrator in the Works Progress Administration for Georgia, which was referred to the Committee on Appropriations.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, January 18, 1938, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate on January 17 (legislative day of January 5), 1938

WORKS PROGRESS ADMINISTRATION

Miss Gay B. Shepperson, of Georgia, to be State administrator in the Works Progress Administration for Georgia.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 17, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O magnify the Lord; let us exalt His name together, for He is good and His mercy endureth forever.

O God, hide not Thyself from our supplication. Our Father, the inspiration of every good and great thought, empty us, we pray Thee, of all selfish and ignoble desires that we may discharge our manifold duties in Thy sight. Let Thy fatherly goodness be extended toward all the loved ones of this House. Those from whom we are separated, may they be kept from harm and danger. The Lord God graciously bless our President. Guide him in the Nation's affairs; prosper all measures for universal peace; may we have the broadest conception of right, truth, and justice. Bless the world's children and all righteous workers. Almighty God, may nations and races stop yielding to fear and prejudice and be devoted to Christian brotherhood. In the name of our Savior. Amen.

The Journal of the proceedings of Saturday, January 15, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On January 10, 1938:

H. R. 5768. An act for the relief of Mary Louise Chambers, a minor.

On January 12, 1938:

H. R. 4569. An act for the relief of Isador Katz;

H. R. 5639. An act for the relief of Henrietta Wills;

H. R. 5912. An act for the relief of Judd & Detweiler, Inc.; and

H. R. 5989. An act for the relief of J. L. Myers.

On January 13, 1938:

H. R. 4256. An act conferring jurisdiction on the United States District Court for the Northern District of California to hear, determine, and render judgment upon the suit in equity of Theodore Fieldbrave against the United States.

On January 14, 1938:

H. R. 6628. An act to permit the further extension of the Air Mail Service.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees, with an amendment, to the amendment of the House to a bill of the Senate of the following title:

S. 2463. An act to authorize an additional number of medical and dental officers for the Army.

MINNIE WILHELMY

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask its immediate consideration.

The Clerk read as follows:

House Resolution 401

Resolved, That there shall be paid out of the contingent fund of the House to J. William Lee's Sons, Inc., undertakers, Washington, D. C., an amount not to exceed \$250, to defray funeral expenses of Minnie Wilhelmy, deceased, late an employee of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a radio address by me.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a speech delivered by Hon. Herbert Hoover on his peace program and also a telegram I sent to him.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ORDER OF BUSINESS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that I may address the House for 1 minute in order that I may ask the majority leader a question.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, this is more in the form of a suggestion than a question.

May I suggest to the majority leader that the RECORD contains an announcement every day of the hearings that are to be held by committees. Therefore, I believe it would expedite business on Calendar Wednesday if the majority leader could arrange with the chairmen of the committees which are to be called that they place in the RECORD on Tuesday a list of the measures which may be considered on Wednesday when their committees are reached. At the present time we have no idea what bills any committee is going to call up on Calendar Wednesday. At times when we are interested in bills which are called, if we do not have our papers before us, naturally, someone will make a point of order of no quorum, which delays proceedings nearly an hour. I offer the suggestion to the majority leader and hope he can get such information published in the RECORD on Tuesday, because, in all fairness to the Members of the House, we should know in advance what is coming up.

Mr. RAYBURN. Mr. Speaker, I may say in reply to the gentleman from Missouri that one of the most difficult things I have attempted within the last 12 months is to find out